

SENTENCING GUIDELINES COMMISSION
State of Washington



ADULT FELONY SENTENCING:
FISCAL YEAR 1996

PART I: STATISTICAL SUMMARY

PART II: JUDICIAL SENTENCING PRACTICES

December 1996

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PREFACE

This report presents data on Washington State felony sentences for the period of July 1, 1995 through June 30, 1996 (fiscal year 1996). Part I of the report summarizes the characteristics of 21,421 fiscal year 1996 felony sentences. Part II summarizes the judicial sentencing practices of state superior court judges, as required under provisions of Initiative 159 (I-159), "Hard Time for Armed Crime." Part II presents data on I-159-reportable offenses (i.e., those offenses specified in the initiative) sentenced in the eleven-month¹ period of August 1, 1995 through June 30, 1996.

The sentences summarized in this report were imposed for crimes committed on or after July 1, 1984. Adult felony crimes committed after that date are sentenced under the Sentencing Reform Act (SRA) of 1981 (the SRA was codified in RCW 9.94A) and subsequent law.

Under the SRA, every felony offense has a standard (presumptive) sentence range that is determined according to the seriousness of the current offense and the number and type of prior and other current offenses. In most cases, an offender will receive a sentence within the standard range for that offense. Such a sentence is determinate.

The length of confinement may be reduced up to one-third for good behavior, but may not be extended. Beginning with offenses committed on or after July 1, 1990, offenders convicted of serious violent offenses or Class A sex offenses may only receive an earned good time credit for up to 15 percent of the sentence. New offenses require new convictions before additional penalties may be imposed, although up to 60 days of jail may be ordered for violations of sentence conditions.

For many offenders, there exist alternatives to the standard sentence. Nonviolent offenders who have no prior felony convictions and who are not being sentenced for a sex offense or certain drug offenses may have the standard sentence waived. This alternative, called the First-time Offender Waiver (FTOW), allows the sentencing judge to impose up to 90 days in jail, 2 years of community supervision, and several conditions of sentence such as maintaining employment or receiving treatment. Sex offenders who have no prior felony sex convictions may receive a sentence under the Special Sex Offender Sentencing Alternative (SSOSA) if they are not convicted of a serious violent offense with a sexual motivation finding or of Rape 1, Attempted Rape 1, or Rape 2 and have a current offense and criminal history that permits the court to impose a sentence within the standard range of less than eight years confinement.

A person sentenced under SSOSA receives a suspended sentence within the standard range, a jail term of up to six months, and several conditions of sentence that may include inpatient or outpatient treatment. For offenses committed after June 30, 1990, SSOSA offenders receive three years of community custody or up to the length of the suspended sentence, if that is over three years.

¹ I-159 became effective July 24, 1995.

A sentencing judge may order an exceptional sentence outside the standard range if there are substantial and compelling reasons to do so. These reasons must be documented in writing. An exceptional sentence is appealable by the defense or prosecution; standard sentences are not appealable. Occasionally, an exceptional sentence is imposed that does not result in confinement outside the standard range. Such a sentence may be used, for example, to require community supervision exceeding the standard sentence, or treatment in situations where the standard sentence does not provide for it.

The tables in this report were generated from the Commission's data base, which includes data on SRA offenders sentenced on or after January 1, 1985. Staff invites comments or questions the reader may have. Staff may be contacted at:

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PART I:

STATISTICAL SUMMARY OF FISCAL YEAR 1996
FELONY SENTENCING IN WASHINGTON STATE

PART I: EXECUTIVE SUMMARY

- In Fiscal Year 1996, the total number of felony sentences rose to 21,421, a 3.9 percent increase from 20,619 in Fiscal Year 1995.
- There were significant decreases in the number of sentences for manslaughter, sex offenses, and robbery. In contrast, there were increases in drug, murder, assault and property offenses, although the magnitude of the increases were significantly smaller than the decreases in manslaughter and sex offenses.
- The frequency of manslaughter and sex offenses showed the greatest change, decreasing by 17.2 and 13.6 percent, respectively. Robbery also decreased (2.2 percent). All other offense categories increased, ranging from a 3.1 percent increase for property crimes to a 6.7 percent increase for drug sentences:

- 2.2% Robbery (from 556 to 544)	+ 3.1% Property (from 7,947 to 8,194)
+ 5.4% Murder (from 166 to 175)	+ 6.7% Drugs (from 6,709 to 7,161)
-17.2% Manslaughter (from 122 to 101)	-13.6% Sex (from 1,021 to 882)
+ 3.8% Assault (from 2,606 to 2,705)	
- In Fiscal Year 1996, 27.2 percent of all sentences resulted in a prison sentence, a slight decrease from 27.6 percent in 1995.
- The average sentence length decreased from 14.9 to 14.6 months. This change was due to a decrease in the length of prison sentences, despite a slight increase in the average length of jail sentence. Jail sentences increased from an average of 2.7 months to 2.8 months; average prison sentences dropped from 47.5 to 47.0 months.
- In 1996, sentences for Violations of the Uniform Controlled Substances Act (VUCSA) increased 7.1 percent over VUCSA sentences in the previous year. Sentences for "non-dealing" VUCSA offenses increased dramatically, rising by 13.9 percent; sentences for "dealing" actually decreased by 1.1 percent.
- The number of offenders receiving the Special Sex Offender Sentencing Alternative (SSOSA) dropped 3.2 percent, from 309 in 1995 to 299 in 1996. In the same period, the number eligible for SSOSA decreased 22.4 percent from 856 to 664.
- A total of 7,821 offenders were eligible for a First-time Offender Waiver (FTOW) in 1996, a 6.2 percent increase from the 7,364 in Fiscal Year 1995. The number of sentences receiving FTOW increased from 2,703 to 2,958, a 9.4 percent increase. However, of these, only about 21 percent were below the standard range minimum, while the remainder included sentences within or above the standard range.
- In 1996, thirty-seven offenders were sentenced to life in prison as persistent offenders under Initiative 593, a 54.2 percent increase over the 24 sentenced in 1995.

Table 1.
Average Sentence Length by OFM Crime Type

OFM Category	PRISON SENTENCE		JAIL SENTENCE		OTHER SENTENCE	TOTAL
	Number	Months	Number	Months	Number	Number
Murder 1	66	446.5	0	n.a.	0	66
Murder 1*	2	Death	0	n.a.	0	2
Murder 1**	17	Life	0	n.a.	0	17
Murder 2	89	187.1	0	n.a.	0	89
Murder 2**	1	Life	0	n.a.	0	1
Manslaughter	88	45.8	12	6.1	1	101
Sex	487	85.7	348	5.2	40	875
Sex**	7	Life	0	n.a.	0	7
Robbery	375	58.1	153	5.6	0	528
Robbery**	16	Life	0	n.a.	0	16
Assault	813	47.3	1834	4.2	50	2697
Assault**	8	Life	0	n.a.	0	8
Property	1471	28.6	6184	2.4	537	8192
Property**	2	Life	0	n.a.	0	2
Drug	2178	33.4	4689	2.3	294	7161
Other	212	21.5	1418	2.9	29	1659
TOTAL	5832	47.0	14638	2.8	951	21421

* Death sentence.

** Life sentence.

n.a. = not applicable

NOTE 1: Calculations of average sentence length exclude life/death sentences.

NOTE 2: The above categories are those used by the Department of Corrections and the Office of Financial Management for forecasting purposes and are not identical to classifications under the Sentencing Reform Act. For example, the Sex categories include pornography and prostitution offenses, which are not classified as sex offenses per se under the Sentencing Reform Act.

Table 2.
Average Sentence Imposed by Offense

PRISON			NON-PRISON			TOTAL		OFFENSE
(N)	%	Months	(N)	%	Months	(N)	Months	
14	100.0%	Life	0	0.0%	0.0	14	Life	AGGRAVATED MURDER 1 (POST 7/1/90)
2	100.0%	Death	0	0.0%	0.0	2	Death	AGGRAVATED MURDER 1 (POST 7/1/90)
0	0.0%	0.0	31	100.0%	1.8	31	1.8	ALIEN IN POSSESSION OF A FIREARM
0	0.0%	0.0	11	100.0%	4.8	11	4.8	ANIMAL CRUELTY 1
18	90.0%	45.9	2	10.0%	10.5	20	42.4	ARSON 1
2	100.0%	15.8	0	0.0%	0.0	2	15.8	<attempt > ARSON 1
1	100.0%	18.0	0	0.0%	0.0	1	18.0	<solic. > ARSON 1
15	36.6%	26.6	26	63.4%	6.5	41	13.9	ARSON 2
1	25.0%	32.3	3	75.0%	3.2	4	10.4	<attempt > ARSON 2
1	33.3%	12.0	2	66.7%	3.7	3	6.5	<consp. > ARSON 2
75	100.0%	191.6	0	0.0%	0.0	75	191.6	ASSAULT 1 (POST 7/1/90)
4	100.0%	84.1	0	0.0%	0.0	4	84.1	<attempt > ASSAULT 1 (POST 7/1/90)
3	100.0%	Life	0	0.0%	0.0	3	Life	ASSAULT 1 (POST 7/1/90)
282	39.9%	28.8	425	60.1%	6.0	707	15.1	ASSAULT 2 (POST 7/1/88)
1	5.9%	21.0	16	94.1%	4.7	17	5.6	<attempt > ASSAULT 2 (POST 7/1/88)
2	66.7%	23.4	1	33.3%	12.0	3	19.6	<consp. > ASSAULT 2 (POST 7/1/88)
0	0.0%	0.0	2	100.0%	8.3	2	8.3	<solic. > ASSAULT 2 (POST 7/1/88)
3	100.0%	Life	0	0.0%	0.0	3	Life	ASSAULT 2 (POST 7/1/88)
119	12.6%	25.5	829	87.4%	3.0	948	5.8	ASSAULT 3 (POST 7/1/88)
0	0.0%	0.0	1	100.0%	0.9	1	0.9	ASSAULT 3 (PRE 7/1/88)
7	100.0%	142.4	0	0.0%	0.0	7	142.4	ASSAULT OF A CHILD 1
25	100.0%	41.9	0	0.0%	0.0	25	41.9	ASSAULT OF A CHILD 2
2	100.0%	43.5	0	0.0%	0.0	2	43.5	<attempt > ASSAULT OF A CHILD 2
6	16.2%	16.7	31	83.8%	2.3	37	4.7	ASSAULT OF A CHILD 3
62	10.4%	17.9	532	89.6%	2.0	594	3.7	ATTEMPTING TO ELUDE PURSUING POLICE VEHICLE
1	100.0%	20.0	0	0.0%	0.0	1	20.0	BAIL JUMP WITH CLASS A (POST 7/89)
18	14.2%	19.3	109	85.8%	3.5	127	5.8	BAIL JUMP WITH CLASS B OR C (POST 7/89)
0	0.0%	0.0	2	100.0%	0.0	2	0.0	BRIBERY
1	100.0%	12.0	0	0.0%	0.0	1	12.0	BRIBING A WITNESS
102	97.1%	57.7	3	2.9%	4.3	105	56.2	BURGLARY 1
5	100.0%	20.7	0	0.0%	0.0	5	20.7	<attempt > BURGLARY 1
2	100.0%	Life	0	0.0%	0.0	2	Life	BURGLARY 1
206	25.1%	30.9	616	74.9%	3.5	822	10.3	BURGLARY 2 (NONDWELLING - POST 7/90)
9	12.0%	23.8	66	88.0%	2.9	75	5.4	<attempt > BURGLARY 2 (NONDWELLING - POST 7/90)
0	0.0%	0.0	3	100.0%	2.0	3	2.0	BURGLARY 2 (PRE 7/90)
0	0.0%	0.0	1	100.0%	1.1	1	1.1	<attempt > BURGLARY 2 (PRE 7/90)
1	50.0%	17.0	1	50.0%	1.5	2	9.2	C/D/P COUNTERFEIT CS NARC 1ST OFF
2	66.7%	104.5	1	33.3%	3.0	3	70.7	C/D/P COUNTERFEIT CS NARC SUBSEQ
1	100.0%	27.0	0	0.0%	0.0	1	27.0	C/D/P COUNTERFEIT CS NON-NARC SUBSEQ
106	51.7%	83.5	99	48.3%	4.4	205	45.3	CHILD MOLESTATION 1 (POST 7/90)
8	100.0%	59.0	0	0.0%	0.0	8	59.0	<attempt > CHILD MOLESTATION 1 (POST 7/90)
4	100.0%	Life	0	0.0%	0.0	4	Life	CHILD MOLESTATION 1 (POST 7/90)
5	55.6%	32.4	4	44.4%	4.0	9	19.8	CHILD MOLESTATION 1 (PRE 7/90)
0	0.0%	0.0	1	100.0%	0.0	1	0.0	<attempt > CHILD MOLESTATION 1 (PRE 7/90)
38	59.4%	37.8	26	40.6%	3.8	64	24.0	CHILD MOLESTATION 2 (POST 7/90)
3	60.0%	27.8	2	40.0%	7.1	5	19.5	<attempt > CHILD MOLESTATION 2 (POST 7/90)
17	34.7%	27.9	32	65.3%	5.3	49	13.1	CHILD MOLESTATION 3 (POST 7/90)
1	100.0%	22.0	0	0.0%	0.0	1	22.0	CHILD MOLESTATION 3 (PRE 7/90)
0	0.0%	0.0	1	100.0%	0.5	1	0.5	CIGARETTE TRANSPORT UNLAWFULLY
8	36.4%	35.6	14	63.6%	9.1	22	18.7	COMMUNICATION WITH A MINOR (POST 7/86)

PRISON			NON-PRISON			TOTAL		OFFENSE
(N)	%	Months	(N)	%	Months	(N)	Months	
1	33.3%	19.0	2	66.7%	2.5	3	8.0	COMPUTER TRESPASS 1
2	100.0%	30.5	0	0.0%	0.0	2	30.5	CONTROLLED SUBST HOMICIDE (POST 7/89) - 1ST OFF
1	100.0%	51.0	0	0.0%	0.0	1	51.0	CONTROLLED SUBST HOMICIDE (POST 7/89) - SUBSEQ
0	0.0%	0.0	1	100.0%	12.0	1	12.0	CONTROLLED SUBSTANCE LABEL VIOL. 1ST OFF
2	66.7%	51.0	1	33.3%	3.0	3	35.0	CRIMINAL MISTREATMENT 1
1	12.5%	16.0	7	87.5%	2.6	8	4.3	CRIMINAL MISTREATMENT 2
14	29.8%	24.2	33	70.2%	4.0	47	10.0	CUSTODIAL ASSAULT (POST 7/89)
0	0.0%	0.0	11	100.0%	2.5	11	2.5	CUSTODIAL INTERFERENCE 1
0	0.0%	0.0	1	100.0%	4.0	1	4.0	DEFRAUDING A PUBLIC UTILITY 1
0	0.0%	0.0	1	100.0%	1.0	1	1.0	DEFRAUDING A PUBLIC UTILITY 2
34	40.0%	27.2	51	60.0%	2.9	85	12.7	DEL MAT IN LIEU OF C S (POST 7/89) - 1ST OFF
0	0.0%	0.0	1	100.0%	2.0	1	2.0	<attempt > DEL MAT IN LIEU OF C S (POST 7/89) - 1ST OFF
0	0.0%	0.0	10	100.0%	5.8	10	5.8	<consp. > DEL MAT IN LIEU OF C S (POST 7/89) - 1ST OFF
24	85.7%	31.3	4	14.3%	4.0	28	27.4	DEL MAT IN LIEU OF C S (POST 7/89) - SUBSEQ
2	33.3%	12.0	4	66.7%	4.9	6	7.3	<consp. > DEL MAT IN LIEU OF C S (POST 7/89) - SUBSEQ
0	0.0%	0.0	1	100.0%	2.0	1	2.0	DELIVER FIREARM TO INELIGIBLE PERSON
5	100.0%	49.2	0	0.0%	0.0	5	49.2	DRUG UNKNOWN, LEV 8 (CURRENT OFFENSE)
0	0.0%	0.0	2	100.0%	0.2	2	0.2	<consp. > DRUG UNKNOWN, LEV 8 (CURRENT OFFENSE)
1	100.0%	18.5	0	0.0%	0.0	1	18.5	<solic. > DRUG UNKNOWN, LEV 8 (CURRENT OFFENSE)
51	72.9%	20.6	19	27.1%	5.6	70	16.5	ESCAPE 1
2	50.0%	12.0	2	50.0%	9.4	4	10.7	<attempt > ESCAPE 1
0	0.0%	0.0	2	100.0%	2.1	2	2.1	<consp. > ESCAPE 1
28	25.5%	25.2	82	74.5%	3.8	110	9.2	ESCAPE 2
1	1.1%	12.0	90	98.9%	2.3	91	2.4	ESCAPE FROM COMMUNITY CUSTODY (POST 6/11/92)
2	33.3%	21.0	4	66.7%	2.7	6	8.8	EXPLOSIVES - LICENSING VIOLATION
0	0.0%	0.0	1	100.0%	6.0	1	6.0	EXTORTION 1
1	20.0%	14.0	4	80.0%	2.8	5	5.0	EXTORTION 2
0	0.0%	0.0	34	100.0%	1.4	34	1.4	FAILURE TO REGISTER AS CLASS A SEX OFFENDER
0	0.0%	0.0	1	100.0%	2.0	1	2.0	FALSE CLAIMS - HEALTH CARE (POST 7/22/95)
0	0.0%	0.0	1	100.0%	1.0	1	1.0	FALSE INFO IN INDUSTRIAL INSURANCE CLAIM
0	0.0%	0.0	13	100.0%	0.3	13	0.3	FALSE VERIFICATION FOR WELFARE
0	0.0%	0.0	1	100.0%	1.0	1	1.0	FOOD FISH/SHELLFISH COMMERCIAL VIOLATION
5	5.0%	19.0	95	95.0%	0.9	100	1.8	FORGED PRESCRIP - VUCSA - 1ST OFF
8	57.1%	23.3	6	42.9%	1.8	14	14.1	FORGED PRESCRIP - VUCSA - SUBSEQ
0	0.0%	0.0	17	100.0%	0.5	17	0.5	FORGED PRESCRIP - VULDA
193	15.0%	19.2	1090	85.0%	2.0	1283	4.6	FORGERY
0	0.0%	0.0	1	100.0%	1.5	1	1.5	GAMBLING DEVICE POSSESSION
0	0.0%	0.0	2	100.0%	0.3	2	0.3	GAME VIOLATION - INCLUDING FISH
25	13.7%	20.4	157	86.3%	3.6	182	5.9	HARASSMENT
25	28.1%	19.6	64	71.9%	4.1	89	8.5	HIT & RUN - ATTENDED INJURY
4	100.0%	403.3	0	0.0%	0.0	4	403.3	HOMICIDE BY ABUSE (POST 7/1/90)
0	0.0%	0.0	1	100.0%	1.0	1	1.0	INCENDIARY DEVICES
10	66.7%	60.6	5	33.3%	2.4	15	41.2	INCEST 1 (VICTIM UNDER AGE 14)
1	9.1%	36.0	10	90.9%	4.1	11	7.0	INCEST 2 (VICTIM UNDER AGE 14)
0	0.0%	0.0	4	100.0%	2.2	4	2.2	INDECENT EXPOSURE
2	33.3%	37.5	4	66.7%	3.4	6	14.8	INDECENT LIBERTIES W/O FORCE (PRE 7/88)
11	84.6%	44.9	2	15.4%	3.0	13	38.5	INDECENT LIBERTIES WITH FORCE (POST 7/90)
3	75.0%	40.9	1	25.0%	3.0	4	31.4	<attempt > INDECENT LIBERTIES WITH FORCE (POST 7/90)

PRISON			NON-PRISON			TOTAL		OFFENSE
(N)	%	Months	(N)	%	Months	(N)	Months	
0	0.0%	0.0	2	100.0%	0.5	2	0.5	INDECENT LIBERTIES WITH FORCE (PRE 7/90)
9	52.9%	38.1	8	47.1%	2.9	17	21.5	INDECENT LIBERTIES-DD VICTIM (POST 7/90)
1	100.0%	15.0	0	0.0%	0.0	1	15.0	<attempt > INDECENT LIBERTIES-DD VICTIM (POST 7/90)
0	0.0%	0.0	1	100.0%	1.0	1	1.0	INDECENT LIBERTIES-DD VICTIM (PRE 7/90)
1	100.0%	75.0	0	0.0%	0.0	1	75.0	INTIMIDATING A JUDGE
1	6.7%	12.0	14	93.3%	2.4	15	3.0	INTIMIDATING A PUBLIC SERVANT
5	83.3%	38.0	1	16.7%	0.2	6	31.7	INTIMIDATING A WITNESS
0	0.0%	0.0	1	100.0%	3.0	1	3.0	INTIMIDATION WITH AN EXPLOSIVE
0	0.0%	0.0	1	100.0%	0.7	1	0.7	INTRODUCING CONTRABAND 2
22	100.0%	100.5	0	0.0%	0.0	22	100.5	KIDNAPPING 1
3	100.0%	72.3	0	0.0%	0.0	3	72.3	<attempt > KIDNAPPING 1
1	100.0%	54.0	0	0.0%	0.0	1	54.0	<consp. > KIDNAPPING 1
2	100.0%	Life	0	0.0%	0.0	2	Life	KIDNAPPING 1
11	68.8%	27.3	5	31.3%	10.2	16	21.9	KIDNAPPING 2
0	0.0%	0.0	1	100.0%	9.0	1	9.0	<attempt > KIDNAPPING 2
3	100.0%	76.0	0	0.0%	0.0	3	76.0	LEADING ORGANIZED CRIME
0	0.0%	0.0	2	100.0%	0.2	2	0.2	LOTTERY ACT VIOLATION
1	100.0%	48.0	0	0.0%	0.0	1	48.0	LURING OF CHILD OR DD PERSON
0	0.0%	0.0	11	100.0%	4.6	11	4.6	MAINTAIN PLACE FOR DRUGS - 1ST OFF
0	0.0%	0.0	1	100.0%	6.0	1	6.0	MAINTAINING PLACE FOR DRUGS - SUBSEQ
1	11.1%	12.0	8	88.9%	4.4	9	5.2	MALICIOUS HARASSMENT
0	0.0%	0.0	1	100.0%	1.8	1	1.8	MALICIOUS INJURY TO RAILROAD PROPERTY
6	7.2%	19.7	77	92.8%	1.5	83	2.8	MALICIOUS MISCHIEF 1
14	4.7%	16.2	282	95.3%	1.6	296	2.3	MALICIOUS MISCHIEF 2
28	90.3%	52.3	3	9.7%	8.0	31	48.0	MANSLAUGHTER 1
12	92.3%	20.5	1	7.7%	12.0	13	19.9	MANSLAUGHTER 2
682	98.1%	28.6	13	1.9%	6.7	695	28.2	MFG DEL P W/I HEROIN COCAINE
1	50.0%	36.0	1	50.0%	4.0	2	20.0	<attempt > MFG DEL P W/I HEROIN COCAINE
13	4.9%	14.7	250	95.1%	4.5	263	5.0	<consp. > MFG DEL P W/I HEROIN COCAINE
99	91.7%	22.6	9	8.3%	4.8	108	21.1	<solic. > MFG DEL P W/I HEROIN COCAINE
96	99.0%	55.3	1	1.0%	12.0	97	54.8	MFG DEL P W/I HEROIN COCAINE - SCH ZONE
0	0.0%	0.0	1	100.0%	4.0	1	4.0	<consp. > MFG DEL P W/I HEROIN COCAINE - SCH ZONE
365	97.3%	53.4	10	2.7%	3.3	375	52.0	MFG DEL P W/I HEROIN COCAINE SUBSEQ
1	100.0%	12.0	0	0.0%	0.0	1	12.0	<attempt > MFG DEL P W/I HEROIN COCAINE SUBSEQ
13	10.7%	16.4	109	89.3%	7.0	122	8.0	<consp. > MFG DEL P W/I HEROIN COCAINE SUBSEQ
72	98.6%	42.1	1	1.4%	5.0	73	41.6	<solic. > MFG DEL P W/I HEROIN COCAINE SUBSEQ
24	4.7%	17.6	486	95.3%	1.5	510	2.3	MFG DEL P W/I MARIJUANA - 1ST OFFENSE
1	4.5%	12.0	21	95.5%	1.9	22	2.4	<consp. > MFG DEL P W/I MARIJUANA - 1ST OFFENSE
5	100.0%	21.8	0	0.0%	0.0	5	21.8	MFG DEL P W/I MARIJUANA - SCH ZONE
17	51.5%	26.9	16	48.5%	6.3	33	17.0	MFG DEL P W/I MARIJUANA - SUBSEQ
0	0.0%	0.0	5	100.0%	4.7	5	4.7	<consp. > MFG DEL P W/I MARIJUANA - SUBSEQ
1	100.0%	19.5	0	0.0%	0.0	1	19.5	<solic. > MFG DEL P W/I METH - 1ST OFFENSE (POST 6/5/96)
216	86.4%	30.3	34	13.6%	2.5	250	26.5	MFG DEL P W/I METH - 1ST OFFENSE (PRE 6/6/96)
1	20.0%	45.0	4	80.0%	1.8	5	10.4	<attempt > MFG DEL P W/I METH - 1ST OFFENSE (PRE 6/6/96)
11	9.2%	13.1	109	90.8%	3.5	120	4.4	<consp. > MFG DEL P W/I METH - 1ST OFFENSE (PRE 6/6/96)
4	80.0%	78.0	1	20.0%	0.0	5	62.4	MFG DEL P W/I METH - SCH ZONE (PRE 6/6/96)
44	93.6%	55.1	3	6.4%	1.0	47	51.7	MFG DEL P W/I METH - SUBSEQ (PRE 6/6/96)
0	0.0%	0.0	14	100.0%	5.9	14	5.9	<consp. > MFG DEL P W/I METH - SUBSEQ (PRE 6/6/96)
18	36.0%	30.1	32	64.0%	4.2	50	13.5	MFG DEL P W/I OTHER, EXC MJ METH - 1ST OFF
0	0.0%	0.0	1	100.0%	3.0	1	3.0	<consp. > MFG DEL P W/I OTHER, EXC MJ METH - 1ST OFF
3	100.0%	51.7	0	0.0%	0.0	3	51.7	MFG DEL P W/I OTHER, EXC MJ METH - SCH ZONE

PRISON			NON-PRISON			TOTAL		OFFENSE
(N)	%	Months	(N)	%	Months	(N)	Months	
5	83.3%	31.4	1	16.7%	6.0	6	27.2	MFG DEL P W/I OTHER, EXC MJ METH - SUBSEQ
0	0.0%	0.0	2	100.0%	3.5	2	3.5	<consp. > MFG DEL P W/I OTHER, EXC MJ METH - SUBSEQ
7	100.0%	24.3	0	0.0%	0.0	7	24.3	MFG DEL P W/I SCH I/II NARC 1ST OFF
0	0.0%	0.0	2	100.0%	12.0	2	12.0	<consp. > MFG DEL P W/I SCH I/II NARC 1ST OFF
8	100.0%	53.5	0	0.0%	0.0	8	53.5	MFG DEL P W/I SCH I/II NARC SUBSEQ
2	100.0%	29.5	0	0.0%	0.0	2	29.5	<solic. > MFG DEL P W/I SCH I/II NARC SUBSEQ
0	0.0%	0.0	1	100.0%	1.8	1	1.8	MFG DIS P W/I IMITATION CS (POST 7/89)
0	0.0%	0.0	1	100.0%	5.4	1	5.4	MISCONDUCT BY PUBLIC OFFICER
0	0.0%	0.0	1	100.0%	3.0	1	3.0	MONEY LAUNDERING
52	100.0%	480.9	0	0.0%	0.0	52	480.9	MURDER 1 (POST 7/1/90)
7	100.0%	303.2	0	0.0%	0.0	7	303.2	<attempt > MURDER 1 (POST 7/1/90)
1	100.0%	187.5	0	0.0%	0.0	1	187.5	<consp. > MURDER 1 (POST 7/1/90)
1	100.0%	180.0	0	0.0%	0.0	1	180.0	<solic. > MURDER 1 (POST 7/1/90)
3	100.0%	Life	0	0.0%	0.0	3	Life	MURDER 1 (POST 7/1/90)
1	100.0%	361.0	0	0.0%	0.0	1	361.0	MURDER 1 (PRE 7/1/90)
82	100.0%	194.9	0	0.0%	0.0	82	194.9	MURDER 2 (POST 7/1/90)
1	100.0%	263.0	0	0.0%	0.0	1	263.0	<attempt > MURDER 2 (POST 7/1/90)
1	100.0%	96.0	0	0.0%	0.0	1	96.0	<consp. > MURDER 2 (POST 7/1/90)
2	100.0%	97.1	0	0.0%	0.0	2	97.1	<solic. > MURDER 2 (POST 7/1/90)
1	100.0%	Life	0	0.0%	0.0	1	Life	<attempt > MURDER 2 (POST 7/1/90)
2	2.1%	30.0	92	97.9%	3.6	94	4.1	NO CONTACT ORDER-ASSAULT/RECKLESS ENDGRMENT
0	0.0%	0.0	100	100.0%	3.4	100	3.4	NO CONTACT ORDER-DOMESTIC VIOLENCE
0	0.0%	0.0	3	100.0%	8.0	3	8.0	OBTAIN SIGNATURE BY DECEPTION
1	100.0%	36.0	0	0.0%	0.0	1	36.0	OVER 18- DELIVER OTHER CS TO MINOR
1	100.0%	120.0	0	0.0%	0.0	1	120.0	OVER 18- DELIVER OTHER CS TO MINOR - SCH ZONE
1	100.0%	240.0	0	0.0%	0.0	1	240.0	OVER 18- DELIVER SCH I/II NARC/METH TO MINOR
0	0.0%	0.0	5	100.0%	2.4	5	2.4	PATRONIZING A JUV PROSTITUTE
0	0.0%	0.0	3	100.0%	4.7	3	4.7	PERJURY 1
0	0.0%	0.0	13	100.0%	3.6	13	3.6	POSS OF A CS-BY PRISONERS
87	4.3%	19.4	1921	95.7%	1.3	2008	2.1	POSS OF A CS-OTHER, EXCEPT PCP
2	12.5%	13.1	14	87.5%	1.9	16	3.3	<attempt > POSS OF A CS-OTHER, EXCEPT PCP
0	0.0%	0.0	1	100.0%	12.0	1	12.0	<consp. > POSS OF A CS-OTHER, EXCEPT PCP
1	100.0%	12.0	0	0.0%	0.0	1	12.0	POSS OF A CS-OTHER, EXCEPT PCP, IN CORR FACILITY
286	15.1%	20.6	1612	84.9%	2.3	1898	5.1	POSS OF A CS-SCHEDULE I/II
3	4.3%	18.0	67	95.7%	4.5	70	5.0	<attempt > POSS OF A CS-SCHEDULE I/II
0	0.0%	0.0	14	100.0%	4.5	14	4.5	<consp. > POSS OF A CS-SCHEDULE I/II
4	100.0%	35.8	0	0.0%	0.0	4	35.8	POSS OF A CS-SCHEDULE I/II IN CORR FACILITY
13	48.1%	19.8	14	51.9%	3.1	27	11.1	POSS OF A STOLEN FIREARM
0	0.0%	0.0	4	100.0%	2.5	4	2.5	POSS OF DEPICTIONS OF MINORS
0	0.0%	0.0	12	100.0%	1.3	12	1.3	POSS OF LEASED PROPERTY
3	6.5%	17.7	43	93.5%	2.7	46	3.7	POSS OF MACH GUN OR SHORT BARREL SHOTGUN
84	26.8%	22.8	229	73.2%	2.4	313	7.9	POSS OF STOLEN PROPERTY 1
1	100.0%	12.8	0	0.0%	0.0	1	12.8	<attempt > POSS OF STOLEN PROPERTY 1
96	11.1%	17.3	772	88.9%	2.1	868	3.8	POSS OF STOLEN PROPERTY 2
0	0.0%	0.0	2	100.0%	0.7	2	0.7	PROFESSIONAL GAMBLING
3	100.0%	200.0	0	0.0%	0.0	3	200.0	PROMOTING PROSTITUTION 1
0	0.0%	0.0	8	100.0%	3.8	8	3.8	PROMOTING PROSTITUTION 2
0	0.0%	0.0	1	100.0%	5.0	1	5.0	PROMOTING SUICIDE ATTEMPT
0	0.0%	0.0	55	100.0%	3.2	55	3.2	PROTECTION ORDER - ASSAULT, RECKLESS ENDGMENT
27	100.0%	266.3	0	0.0%	0.0	27	266.3	RAPE 1 (POST 7/90)
6	100.0%	94.5	0	0.0%	0.0	6	94.5	<attempt > RAPE 1 (POST 7/90)
2	100.0%	Life	0	0.0%	0.0	2	Life	RAPE 1 (POST 7/90)

PRISON			NON-PRISON			TOTAL		OFFENSE
(N)	%	Months	(N)	%	Months	(N)	Months	
24	100.0%	79.8	0	0.0%	0.0	24	79.8	RAPE 2 (POST 7/90)
6	100.0%	73.3	0	0.0%	0.0	6	73.3	<attempt > RAPE 2 (POST 7/90)
1	100.0%	Life	0	0.0%	0.0	1	Life	RAPE 2 (POST 7/90)
17	32.1%	29.4	36	67.9%	8.1	53	14.9	RAPE 3
83	68.0%	137.8	39	32.0%	4.3	122	95.1	RAPE OF A CHILD 1 (POST 7/90)
0	0.0%	0.0	2	100.0%	6.6	2	6.6	<attempt > RAPE OF A CHILD 1 (POST 7/90)
7	77.8%	121.7	2	22.2%	4.5	9	95.7	RAPE OF A CHILD 1 (PRE 7/90)
30	48.4%	99.4	32	51.6%	3.9	62	50.1	RAPE OF A CHILD 2 (POST 7/90)
3	100.0%	52.1	0	0.0%	0.0	3	52.1	<attempt > RAPE OF A CHILD 2 (POST 7/90)
52	58.4%	26.1	37	41.6%	4.2	89	17.0	RAPE OF A CHILD 3 (POST 7/90)
0	0.0%	0.0	1	100.0%	7.0	1	7.0	RAPE OF A CHILD 3 (PRE 7/90)
1	6.7%	14.0	14	93.3%	1.0	15	1.8	RECKLESS BURNING 1
3	27.3%	21.0	8	72.7%	3.8	11	8.5	RECKLESS ENDANGERMENT 1 (6/13/94-7/22/95)
14	63.6%	24.9	8	36.4%	2.4	22	16.7	RECKLESS ENDANGERMENT 1 (POST 7/22/95)
0	0.0%	0.0	1	100.0%	0.0	1	0.0	RECKLESS ENDANGERMENT 1 (PRE 6/13/94)
11	36.7%	23.3	19	63.3%	7.8	30	13.5	RENDERING CRIMINAL ASSISTANCE 1
263	42.7%	35.0	353	57.3%	3.9	616	17.2	RESIDENTIAL BURGLARY (POST 7/90)
9	40.9%	38.1	13	59.1%	3.9	22	17.9	<attempt > RESIDENTIAL BURGLARY (POST 7/90)
1	25.0%	12.0	3	75.0%	4.0	4	6.0	<consp. > RESIDENTIAL BURGLARY (POST 7/90)
0	0.0%	0.0	3	100.0%	7.0	3	7.0	RIOT
206	99.5%	79.4	1	0.5%	12.0	207	79.0	ROBBERY 1
29	100.0%	38.3	0	0.0%	0.0	29	38.3	<attempt > ROBBERY 1
3	100.0%	25.0	0	0.0%	0.0	3	25.0	<consp. > ROBBERY 1
7	100.0%	Life	0	0.0%	0.0	7	Life	ROBBERY 1
1	100.0%	Life	0	0.0%	0.0	1	Life	<attempt > ROBBERY 1
126	52.3%	31.8	115	47.7%	5.7	241	19.3	ROBBERY 2
10	24.4%	21.2	31	75.6%	5.3	41	9.2	<attempt > ROBBERY 2
0	0.0%	0.0	1	100.0%	9.0	1	9.0	<consp. > ROBBERY 2
8	100.0%	Life	0	0.0%	0.0	8	Life	ROBBERY 2
2	100.0%	33.5	0	0.0%	0.0	2	33.5	SECURITY ACT VIOLATION (POST 7/89)
0	0.0%	0.0	1	100.0%	1.9	1	1.9	SELL OR DELIVER LEGEND DRUGS
4	40.0%	48.0	6	60.0%	2.9	10	20.9	SEXUAL EXPLOITATION (POST 7/1/90)
0	0.0%	0.0	1	100.0%	12.0	1	12.0	SEXUAL MISCONDUCT 1 (POST 7/90)
1	7.1%	24.0	13	92.9%	5.6	14	6.9	STALKING
2	100.0%	39.5	0	0.0%	0.0	2	39.5	STATUTORY RAPE 1 (PRE 7/88)
86	12.5%	20.2	604	87.5%	2.2	690	4.5	TAKING A MOTOR VEHICLE WITHOUT PERMISSION
0	0.0%	0.0	10	100.0%	5.5	10	5.5	TAMPERING WITH A WITNESS
0	0.0%	0.0	1	100.0%	0.0	1	0.0	TELECOMMUNICATIONS FRAUD-OBTAINING SVCS
1	5.9%	28.0	16	94.1%	3.0	17	4.5	TELEPHONE HARASSMENT
138	18.4%	32.6	610	81.6%	2.3	748	7.9	THEFT 1
7	11.3%	28.4	55	88.7%	2.6	62	5.5	<attempt > THEFT 1
1	50.0%	12.0	1	50.0%	1.0	2	6.5	<consp. > THEFT 1
1	0.5%	16.0	197	99.5%	1.0	198	1.0	THEFT 1 - WELFARE FRAUD
130	9.4%	18.5	1250	90.6%	1.6	1380	3.2	THEFT 2
0	0.0%	0.0	134	100.0%	0.5	134	0.5	THEFT 2 - WELFARE FRAUD
18	62.1%	24.2	11	37.9%	3.3	29	16.3	THEFT OF A FIREARM (POST 7/22/95)
11	30.6%	19.5	25	69.4%	2.8	36	7.9	THEFT OF A FIREARM (PRE 7/23/95)
1	11.1%	17.0	8	88.9%	4.3	9	5.7	THREATS TO BOMB (POST 7/89)
0	0.0%	0.0	1	100.0%	6.0	1	6.0	<attempt > THREATS TO BOMB (POST 7/89)
22	34.4%	32.5	42	65.6%	3.4	64	13.4	TRAFFICKING IN STOLEN PROPERTY 1
0	0.0%	0.0	1	100.0%	3.0	1	3.0	<attempt > TRAFFICKING IN STOLEN PROPERTY 1
2	100.0%	72.0	0	0.0%	0.0	2	72.0	<consp. > TRAFFICKING IN STOLEN PROPERTY 1
11	30.6%	23.5	25	69.4%	3.8	36	9.8	TRAFFICKING IN STOLEN PROPERTY 2
7	11.7%	77.6	53	88.3%	3.7	60	12.3	UNLAWFUL IMPRISONMENT
12	6.8%	16.5	165	93.2%	1.7	177	2.7	UNLAWFUL ISSUANCE OF CHECKS OR DRAFTS
33	22.6%	25.7	113	77.4%	4.5	146	9.3	UNLAWFUL POSSESSION OF FIREARM (PRE 7/23/95)

PRISON			NON-PRISON			TOTAL		OFFENSE
(N)	%	Months	(N)	%	Months	(N)	Months	
69	94.5%	39.2	4	5.5%	4.0	73	37.2	UNLAWFUL POSSESSION OF FIREARM 1
3	100.0%	35.0	0	0.0%	0.0	3	35.0	<attempt > UNLAWFUL POSSESSION OF FIREARM 1
41	32.0%	20.1	87	68.0%	4.9	128	9.8	UNLAWFUL POSSESSION OF FIREARM 2
0	0.0%	0.0	4	100.0%	0.4	4	0.4	UNLAWFUL USE OF FOOD STAMPS
0	0.0%	0.0	8	100.0%	1.1	8	1.1	USE BUILDING FOR DRUGS
18	24.3%	32.4	56	75.7%	5.9	74	12.4	VEH ASSAULT (7/86 - 6/5/96)
1	100.0%	26.0	0	0.0%	0.0	1	26.0	VEH HOM-DRUNK OR RECKLESS (7/23/89 - 6/30/94)
13	61.9%	24.2	8	38.1%	3.1	21	16.2	VEH HOMICIDE-DISREGARD SAFETY OF OTHERS (PRE 6/6/96)
24	96.0%	62.3	1	4.0%	12.0	25	60.3	VEH HOMICIDE-DRUNK (6/30/94 - 6/5/96)
10	100.0%	48.7	0	0.0%	0.0	10	48.7	VEH HOMICIDE-RECKLESS MANNER (6/30/94 - 6/5/96)
1	7.7%	17.0	12	92.3%	1.4	13	2.6	VEHICLE PROWL 1
0	0.0%	0.0	75	100.0%	1.8	75	1.8	WILLFUL FAIL RTN FROM WORK REL (POST 7/86)
0	0.0%	0.0	2	100.0%	3.0	2	3.0	WILLFUL FAILURE TO RETURN FROM FURLOUGH
5832	27.2%	47.0	15589	72.8%	2.6	21421	14.6	

NOTE: Calculations of average sentence length exclude life/death sentences.

Table 3.
Sentencing Grid Frequencies

SERIOUSNESS LEVEL	OFFENDER SCORE										TOTAL
	0	1	2	3	4	5	6	7	8	9	
XV	7	1	2	1	1	1	0	2	0	1	16
XIV	31	9	6	5	6	0	4	1	2	4	68
XIII	42	9	10	10	3	1	5	3	3	2	88
XII	40	11	9	7	5	4	2	3	2	6	89
XI	90	8	5	20	2	6	7	2	3	16	159
X	160	20	12	93	18	11	15	4	5	16	354
IX	146	35	51	22	32	21	19	12	6	20	364
VIII	1166	229	143	264	123	71	77	57	32	72	2234
VII	99	45	44	39	25	13	18	11	6	20	320
VI	91	17	12	16	12	8	11	4	1	9	181
V	137	27	19	32	7	5	9	3	2	2	243
IV	916	356	220	148	142	79	59	36	35	113	2104
III	1645	620	434	285	208	110	92	71	34	78	3577
II	1593	668	430	276	146	115	89	78	39	65	3499
I	3050	1595	965	581	410	351	219	143	89	221	7624
Unranked	501	0	0	0	0	0	0	0	0	0	501
TOTAL	9714	3650	2362	1799	1140	796	626	430	259	645	21421

NOTE: The shaded area in the table indicates offenses with a presumptive sentence of one year or less (non-prison).

Table 4.
Number of Sentences for Violent and Nonviolent Offenses
by Facility Type and County

COUNTY	VIOLENT			NONVIOLENT			TOTAL			TOTAL
	Other	Jail	Prison	Other	Jail	Prison	Other	Jail	Prison	
Adams	0	2	8	5	73	18	5	75	26	106
Asotin	0	2	2	7	19	6	7	21	8	36
Benton	0	19	27	39	415	78	39	434	105	578
Chelan	0	12	15	26	206	92	26	218	107	351
Clallam	1	7	28	10	183	46	11	190	74	275
Clark	0	34	108	22	1035	266	22	1069	374	1465
Columbia	0	2	0	11	8	6	11	10	6	27
Cowlitz	1	24	52	7	377	118	8	401	170	579
Douglas	0	1	7	6	60	31	6	61	38	105
Ferry	0	0	3	0	17	9	0	17	12	29
Franklin	0	14	29	11	234	107	11	248	136	395
Garfield	0	0	0	0	5	0	0	5	0	5
Grant	1	22	25	37	281	62	38	303	87	428
Grays Harbor	0	16	17	24	331	63	24	347	80	451
Island	0	3	2	4	49	12	4	52	14	70
Jefferson	0	6	7	14	48	10	14	54	17	85
King	4	244	428	164	2717	1388	168	2961	1816	4945
Kitsap	0	20	49	48	574	103	48	594	152	794
Kittitas	1	4	4	4	68	12	5	72	16	93
Klickitat	0	4	3	7	51	8	7	55	11	73
Lewis	1	10	33	13	219	42	14	229	75	318
Lincoln	0	2	4	4	22	3	4	24	7	35
Mason	0	9	16	2	119	29	2	128	45	175
Okanogan	0	7	9	14	108	16	14	115	25	154
Pacific	0	2	13	1	72	18	1	74	31	106
Pend Oreille	0	2	4	2	14	1	2	16	5	23
Pierce	8	101	193	133	2584	738	141	2685	931	3757
San Juan	0	0	0	2	15	3	2	15	3	20
Skagit	0	4	24	26	199	59	26	203	83	312
Skamania	0	2	9	1	44	7	1	46	16	63
Snohomish	0	64	147	69	879	261	69	943	408	1420
Spokane	2	47	91	79	863	250	81	910	341	1332
Stevens	0	2	7	7	35	11	7	37	18	62
Thurston	0	25	52	78	714	128	78	739	180	997
Wahkiakum	0	1	3	0	6	1	0	7	4	11
Walla Walla	0	9	10	16	126	35	16	135	45	196
Whatcom	0	20	26	15	294	78	15	314	104	433
Whitman	0	2	4	6	16	7	6	18	11	35
Yakima	0	59	97	18	754	154	18	813	251	1082
TOTAL	19	804	1556	932	13834	4276	951	14638	5832	21421

Table 5.
Percentage of Sentences for Violent and Nonviolent
Offenses by Facility Type and County

COUNTY	VIOLENT		NONVIOLENT		TOTAL	
	Jail	Prison	Jail	Prison	Jail	Prison
Adams	20.0%	80.0%	80.2%	19.8%	74.3%	25.7%
Asotin	50.0%	50.0%	76.0%	24.0%	72.4%	27.6%
Benton	41.3%	58.7%	84.2%	15.8%	80.5%	19.5%
Chelan	44.4%	55.6%	69.1%	30.9%	67.1%	32.9%
Clallam	20.0%	80.0%	79.9%	20.1%	72.0%	28.0%
Clark	23.9%	76.1%	79.6%	20.4%	74.1%	25.9%
Columbia	100.0%	0.0%	57.1%	42.9%	62.5%	37.5%
Cowlitz	31.6%	68.4%	76.2%	23.8%	70.2%	29.8%
Douglas	12.5%	87.5%	65.9%	34.1%	61.6%	38.4%
Ferry	0.0%	100.0%	65.4%	34.6%	58.6%	41.4%
Franklin	32.6%	67.4%	68.6%	31.4%	64.6%	35.4%
Garfield	n.a.	n.a.	100.0%	0.0%	100.0%	0.0%
Grant	46.8%	53.2%	81.9%	18.1%	77.7%	22.3%
Grays Harbor	48.5%	51.5%	84.0%	16.0%	81.3%	18.7%
Island	60.0%	40.0%	80.3%	19.7%	78.8%	21.2%
Jefferson	46.2%	53.8%	82.8%	17.2%	76.1%	23.9%
King	36.3%	63.7%	66.2%	33.8%	62.0%	38.0%
Kitsap	29.0%	71.0%	84.8%	15.2%	79.6%	20.4%
Kittitas	50.0%	50.0%	85.0%	15.0%	81.8%	18.2%
Klickitat	57.1%	42.9%	86.4%	13.6%	83.3%	16.7%
Lewis	23.3%	76.7%	83.9%	16.1%	75.3%	24.7%
Lincoln	33.3%	66.7%	88.0%	12.0%	77.4%	22.6%
Mason	36.0%	64.0%	80.4%	19.6%	74.0%	26.0%
Okanogan	43.8%	56.3%	87.1%	12.9%	82.1%	17.9%
Pacific	13.3%	86.7%	80.0%	20.0%	70.5%	29.5%
Pend Oreille	33.3%	66.7%	93.3%	6.7%	76.2%	23.8%
Pierce	34.4%	65.6%	77.8%	22.2%	74.3%	25.7%
San Juan	n.a.	n.a.	83.3%	16.7%	83.3%	16.7%
Skagit	14.3%	85.7%	77.1%	22.9%	71.0%	29.0%
Skamania	18.2%	81.8%	86.3%	13.7%	74.2%	25.8%
Snohomish	30.3%	69.7%	77.1%	22.9%	69.8%	30.2%
Spokane	34.1%	65.9%	77.5%	22.5%	72.7%	27.3%
Stevens	22.2%	77.8%	76.1%	23.9%	67.3%	32.7%
Thurston	32.5%	67.5%	84.8%	15.2%	80.4%	19.6%
Wahkiakum	25.0%	75.0%	85.7%	14.3%	63.6%	36.4%
Walla Walla	47.4%	52.6%	78.3%	21.7%	75.0%	25.0%
Whatcom	43.5%	56.5%	79.0%	21.0%	75.1%	24.9%
Whitman	33.3%	66.7%	69.6%	30.4%	62.1%	37.9%
Yakima	37.8%	62.2%	83.0%	17.0%	76.4%	23.6%
TOTAL	34.1%	65.9%	76.4%	23.6%	71.5%	28.5%

NOTE: Excludes offenders not sentenced to either jail or prison.

Table 6.
VUCSA * Dealing and Non-dealing Sentences by County

COUNTY	DEALING	NON-DEALING	TOTAL
Adams	5	25	30
Asotin	2	7	9
Benton	44	111	155
Chelan	53	57	110
Clallam	24	51	75
Clark	133	303	436
Columbia	3	1	4
Cowlitz	53	99	152
Douglas	16	10	26
Ferry	2	4	6
Franklin	80	90	170
Garfield	1	1	2
Grant	49	61	110
Grays Harbor	53	165	218
Island	11	14	25
Jefferson	7	8	15
King	1033	598	1631
Kitsap	93	143	236
Kittitas	6	16	22
Klickitat	12	12	24
Lewis	27	53	80
Lincoln	0	9	9
Mason	10	31	41
Okanogan	13	19	32
Pacific	2	15	17
Pend Oreille	2	3	5
Pierce	576	1195	1771
San Juan	1	1	2
Skagit	46	26	72
Skamania	6	5	11
Snohomish	116	260	376
Spokane	197	183	380
Stevens	8	5	13
Thurston	83	291	374
Walla Walla	29	40	69
Whatcom	66	36	102
Whitman	2	1	3
Yakima	118	193	311
TOTAL	2982	4142	7124

* Violation of the Uniform Controlled Substance Act.

Table 7.
Sentences with Deadly Weapon Findings

The table below lists deadly weapon enhancements, by offense and type of weapon, for those sentences receiving a deadly weapon enhancement. Deadly weapon enhancements for offenses committed prior to July 24, 1995 do not distinguish firearms from other deadly weapons. Initiative I-159 ("Hard Time for Armed Crime") provides deadly weapon enhancements for any felony offense committed after July 23, 1995. I-159 enhancements are greater for firearms than for other deadly weapons (see RCW 9.94A.310).

GENERIC WEAPONS*	FIREARMS	NON- FIREARMS	TOTAL	OFFENSES
21	11	10	42	ASSAULT 1 (POST 7/1/90)
63	24	28	115	ASSAULT 2 (POST 7/1/88)
1	0	0	1	<attempt > ASSAULT 2 (POST 7/1/88)
2	0	0	2	<consp. > ASSAULT 2 (POST 7/1/88)
0	5	6	11	ASSAULT 3 (POST 7/1/88)
8	17	2	27	BURGLARY 1
1	1	0	2	BURGLARY 2 (NONDWELLING - POST 7/90)
1	0	0	1	DRUG UNKNOWN, LEV 8 (CURRENT OFFENSE)
4	1	0	5	KIDNAPPING 1
1	0	0	1	<attempt > KIDNAPPING 1
0	1	0	1	KIDNAPPING 2
0	0	1	1	MALICIOUS MISCHIEF 1
4	1	0	5	MANSLAUGHTER 1
0	1	0	1	MANSLAUGHTER 2
10	3	1	14	MFG DEL P W/I HEROIN COCAINE
0	1	0	1	<solic. > MFG DEL P W/I HEROIN COCAINE
3	1	1	5	MFG DEL P W/I HEROIN COCAINE SUBSEQ
1	1	0	2	MFG DEL P W/I MARIJUANA - 1ST OFFENSE
0	1	0	1	MFG DEL P W/I MARIJUANA - SUBSEQ
4	1	1	6	MFG DEL P W/I METH - 1ST OFFENSE (PRE 6/6/96)
2	1	0	3	MFG DEL P W/I METH - SUBSEQ (PRE 6/6/96)
0	1	0	1	MFG DEL P W/I OTHER, EXC MJ METH - 1ST OFF
9	3	2	14	MURDER 1 (POST 7/1/90)
4	0	0	4	<attempt > MURDER 1 (POST 7/1/90)
9	8	1	18	MURDER 2 (POST 7/1/90)
1	0	0	1	<attempt > MURDER 2 (POST 7/1/90)
1	3	2	6	POSS OF A CS-OTHER, EXCEPT PCP
1	4	0	5	POSS OF A CS-SCHEDULE I/II
4	0	1	5	RAPE 1 (POST 7/90)
1	0	0	1	<attempt > RAPE 1 (POST 7/90)
0	0	1	1	RESIDENTIAL BURGLARY (POST 7/90)
30	28	14	72	ROBBERY 1
3	2	0	5	<attempt > ROBBERY 1
3	2	2	7	ROBBERY 2
0	0	2	2	<attempt > ROBBERY 2
0	1	0	1	TAKING A MOTOR VEHICLE WITHOUT PERMISSION
192	123	75	390	TOTAL

*NOTE: Generic weapons category includes deadly weapon findings for offenses committed prior to July 24, 1995.

Table 8.
Sentences with Sexual Motivation Findings

SEXUAL MOTIVATION FINDINGS	NUMBER OF SENTENCES ELIGIBLE*	OFFENSES
2	82	ASSAULT 1 (POST 7/1/90)
28	732	ASSAULT 2 (POST 7/1/88)
12	948	ASSAULT 3 (POST 7/1/88)
1	27	ASSAULT OF A CHILD 2
2	37	ASSAULT OF A CHILD 3
5	112	BURGLARY 1
1	4	INDECENT EXPOSURE
2	28	KIDNAPPING 1
1	17	KIDNAPPING 2
1	1068	MFG DEL P W/I HEROIN COCAINE
2	64	MURDER 1 (POST 7/1/90)
1	4	POSS OF DEPICTIONS OF MINORS
6	642	RESIDENTIAL BURGLARY (POST 7/90)
1	291	ROBBERY 2
4	10	SEXUAL EXPLOITATION (POST 7/1/90)
69	4066	

* Technically, any felony offense other than a sex offense is eligible for a finding of sexual motivation. This column reflects the total number of sentences for any offense with at least one sexual motivation finding.

Table 9.
Type of Verdict Imposed by Crime Type

TYPE OF VERDICT	NONVIOLENT		VIOLENT		TOTAL	
	Number	Percent	Number	Percent	Number	Percent
BENCH TRIAL	329	1.7%	35	1.5%	364	1.7%
JURY TRIAL	626	3.3%	388	16.3%	1014	4.7%
GUILTY PLEA	18087	95.0%	1956	82.2%	20043	93.6%
TOTAL	19042	100.0%	2379	100.0%	21421	100.0%

Table 10.
Sentence Departures by Type and Direction

SENTENCE RELATIVE TO THE STANDARD RANGE				
SENTENCE TYPE	ABOVE	BELOW	WITHIN	TOTAL
Exceptional*	406 49.6%	229 28.0%	184 22.5%	819 100.0%
SSOSA** (664 Eligible)	0 0.0%	292 97.7%	7 2.3%	299 100.0%
First-Time Offender Waiver*** (7821 Eligible)	35 1.2%	618 20.9%	2305 77.9%	2958 100.0%
Standard****	50 0.3%	109 0.6%	17186 99.1%	17345 100.0%
TOTAL	491 2.3%	1248 5.8%	19682 91.9%	21421

*Exceptional sentences include departures above or below the standard range, as well as sentences in which the court orders a term of confinement within the standard range, but under terms of an exceptional sentence adds conditions not allowed as part of a standard range sentence (e.g., treatment).

**Sex offenders who have no prior felony sex convictions may receive a sentence under the Special Sex Offender Sentencing Alternative (SSOSA) if they are not convicted of a serious violent offense with a sexual motivation finding or of Rape 1, Attempted Rape 1, or Rape 2 and have a current offense and criminal history that permits the court to impose a sentence within the standard range of less than eight years confinement. Under current law, offenders sentenced under this alternative receive a suspended sentence and may receive up to six months in jail, community custody for three years or the length of the suspended sentence (whichever is greater), inpatient or outpatient sex offender treatment, crime-related prohibitions, and requirements for affirmative conduct. If the offender violates the conditions of supervision, the original suspended sentence may be imposed.

***Offenders are eligible for the First-time Offender Waiver if the current offense is not a violent offense, sex offense, or certain drug offenses and if the offender has no prior felony convictions. If the First-time Offender Waiver is used, the standard range is waived and the offender may receive up to 90 days in jail, 2 years of community supervision, crime-related prohibitions, and requirements for affirmative conduct. An aggravated departure occurs when an offender with a 0 to 60-day standard range (a Seriousness Level I offense with an offender score of 0) receives a sentence over 60 days (up to 90 days).

****The Standard Range category includes sentence departures not resulting from the use of the First-time Offender Waiver, SSOSA, or an exceptional sentence. These departures often occur as the result of clerical errors.

Table 11.
Sentence Departures by Type and Offense

EXCEPTIONAL				SSOSA		FTOW		TOTAL	OFFENSE
Above	Below	Within	%	N	%	N	%		
0	0	2	12.5%	0	0.0%	0	0.0%	16	AGGRAVATED MURDER 1 (POST 7/1/90)
0	0	0	0.0%	0	0.0%	8	25.8%	31	ALIEN IN POSSESSION OF A FIREARM
0	0	0	0.0%	0	0.0%	4	36.4%	11	ANIMAL CRUELTY 1
3	2	1	26.1%	0	0.0%	0	0.0%	23	ARSON 1
0	0	0	0.0%	0	0.0%	1	2.1%	48	ARSON 2
5	3	0	9.8%	0	0.0%	0	0.0%	82	ASSAULT 1 (POST 7/1/90)
35	14	7	7.7%	4	0.5%	2	0.3%	732	ASSAULT 2 (POST 7/1/88)
23	8	7	4.0%	0	0.0%	268	28.3%	948	ASSAULT 3 (POST 7/1/88)
0	0	0	0.0%	0	0.0%	0	0.0%	1	ASSAULT 3 (PRE 7/1/88)
2	0	1	42.9%	0	0.0%	0	0.0%	7	ASSAULT OF A CHILD 1
1	1	1	11.1%	0	0.0%	0	0.0%	27	ASSAULT OF A CHILD 2
4	0	1	13.5%	1	2.7%	18	48.6%	37	ASSAULT OF A CHILD 3
5	1	4	1.7%	0	0.0%	64	10.8%	594	ATTEMPTING TO ELUDE PURSUING POLICE VEHICLE
0	0	0	0.0%	0	0.0%	0	0.0%	1	BAIL JUMP WITH CLASS A (POST 7/89)
4	1	3	6.3%	0	0.0%	35	27.6%	127	BAIL JUMP WITH CLASS B OR C (POST 7/89)
0	0	0	0.0%	0	0.0%	2	100.0%	2	BRIBERY
0	0	0	0.0%	0	0.0%	0	0.0%	1	BRIBING A WITNESS
10	3	0	11.6%	1	0.9%	0	0.0%	112	BURGLARY 1
11	12	5	3.1%	0	0.0%	128	14.3%	897	BURGLARY 2 (NONDWELLING - POST 7/90)
0	0	0	0.0%	0	0.0%	0	0.0%	4	BURGLARY 2 (PRE 7/90)
0	0	0	0.0%	0	0.0%	1	50.0%	2	C/D/P COUNTERFEIT CS NARC 1ST OFF
1	0	0	33.3%	0	0.0%	0	0.0%	3	C/D/P COUNTERFEIT CS NARC SUBSEQ
0	0	0	0.0%	0	0.0%	0	0.0%	1	C/D/P COUNTERFEIT CS NON-NARC SUBSEQ
5	1	1	3.2%	98	45.2%	0	0.0%	217	CHILD MOLESTATION 1 (POST 7/90)
0	0	0	0.0%	5	50.0%	0	0.0%	10	CHILD MOLESTATION 1 (PRE 7/90)
1	1	0	2.9%	26	37.7%	0	0.0%	69	CHILD MOLESTATION 2 (POST 7/90)
0	0	0	0.0%	16	32.7%	0	0.0%	49	CHILD MOLESTATION 3 (POST 7/90)
0	0	0	0.0%	0	0.0%	0	0.0%	1	CHILD MOLESTATION 3 (PRE 7/90)
0	0	0	0.0%	0	0.0%	0	0.0%	1	CIGARETTE TRANSPORT UNLAWFULLY
1	1	0	9.1%	0	0.0%	0	0.0%	22	COMMUNICATION WITH A MINOR (POST 7/86)
0	0	0	0.0%	0	0.0%	0	0.0%	3	COMPUTER TRESPASS 1
0	1	0	50.0%	0	0.0%	0	0.0%	2	CONTROLLED SUBST HOMICIDE (POST 7/89) - 1ST OFF
0	0	0	0.0%	0	0.0%	0	0.0%	1	CONTROLLED SUBST HOMICIDE (POST 7/89) - SUBSEQ
0	0	0	0.0%	0	0.0%	0	0.0%	1	CONTROLLED SUBSTANCE LABEL VIOL. 1ST OFF
2	0	0	66.7%	0	0.0%	1	33.3%	3	CRIMINAL MISTREATMENT 1
0	0	0	0.0%	0	0.0%	4	50.0%	8	CRIMINAL MISTREATMENT 2
2	0	0	4.3%	0	0.0%	3	6.4%	47	CUSTODIAL ASSAULT (POST 7/89)
0	0	0	0.0%	0	0.0%	4	36.4%	11	CUSTODIAL INTERFERENCE 1
0	0	0	0.0%	0	0.0%	0	0.0%	1	DEFRAUDING A PUBLIC UTILITY 1
0	0	0	0.0%	0	0.0%	0	0.0%	1	DEFRAUDING A PUBLIC UTILITY 2
0	2	0	2.1%	0	0.0%	8	8.3%	96	DEL MAT IN LIEU OF C S (POST 7/89) - 1ST OFF
2	1	0	8.8%	0	0.0%	0	0.0%	34	DEL MAT IN LIEU OF C S (POST 7/89) - SUBSEQ
0	0	0	0.0%	0	0.0%	0	0.0%	1	DELIVER FIREARM TO INELIGIBLE PERSON
0	1	0	12.5%	0	0.0%	1	12.5%	8	DRUG UNKNOWN, LEV 8 (CURRENT OFFENSE)
0	0	0	0.0%	0	0.0%	0	0.0%	76	ESCAPE 1
0	7	1	7.3%	0	0.0%	4	3.6%	110	ESCAPE 2

EXCEPTIONAL				SSOSA		FTOW		TOTAL	OFFENSE
Above	Below	Within	%	N	%	N	%		
0	1	0	1.1%	0	0.0%	0	0.0%	91	ESCAPE FROM COMMUNITY CUSTODY (POST 6/11/92)
2	0	0	33.3%	0	0.0%	0	0.0%	6	EXPLOSIVES - LICENSING VIOLATION
0	0	0	0.0%	0	0.0%	0	0.0%	1	EXTORTION 1
0	0	0	0.0%	0	0.0%	1	20.0%	5	EXTORTION 2
0	0	0	0.0%	0	0.0%	0	0.0%	34	FAILURE TO REGISTER AS CLASS A SEX OFFENDER
0	0	0	0.0%	0	0.0%	0	0.0%	1	FALSE CLAIMS - HEALTH CARE (POST 7/22/95)
0	0	0	0.0%	0	0.0%	0	0.0%	1	FALSE INFO IN INDUSTRIAL INSURANCE CLAIM
0	0	0	0.0%	0	0.0%	0	0.0%	13	FALSE VERIFICATION FOR WELFARE
0	0	0	0.0%	0	0.0%	0	0.0%	1	FOOD FISH/SHELLFISH COMMERCIAL VIOLATION
0	1	1	2.0%	0	0.0%	29	29.0%	100	FORGED PRESCRIP - VUCSA - 1ST OFF
0	0	0	0.0%	0	0.0%	0	0.0%	14	FORGED PRESCRIP - VUCSA - SUBSEQ
0	0	0	0.0%	0	0.0%	8	47.1%	17	FORGED PRESCRIP - VULDA
7	5	3	1.2%	0	0.0%	147	11.5%	1283	FORGERY
0	0	0	0.0%	0	0.0%	1	100.0%	1	GAMBLING DEVICE POSSESSION
0	0	0	0.0%	0	0.0%	0	0.0%	2	GAME VIOLATION - INCLUDING FISH
3	1	0	2.2%	0	0.0%	61	33.5%	182	HARASSMENT
0	0	0	0.0%	0	0.0%	27	30.3%	89	HIT & RUN - ATTENDED INJURY
1	0	0	25.0%	0	0.0%	0	0.0%	4	HOMICIDE BY ABUSE (POST 7/1/90)
0	0	0	0.0%	0	0.0%	0	0.0%	1	INCENDIARY DEVICES
2	0	0	13.3%	5	33.3%	0	0.0%	15	INCEST 1 (VICTIM UNDER AGE 14)
0	0	0	0.0%	7	63.6%	0	0.0%	11	INCEST 2 (VICTIM UNDER AGE 14)
0	0	1	25.0%	0	0.0%	1	25.0%	4	INDECENT EXPOSURE
0	0	0	0.0%	4	66.7%	0	0.0%	6	INDECENT LIBERTIES W/O FORCE (PRE 7/88)
1	0	0	5.9%	3	17.6%	0	0.0%	17	INDECENT LIBERTIES WITH FORCE (POST 7/90)
0	0	0	0.0%	2	100.0%	0	0.0%	2	INDECENT LIBERTIES WITH FORCE (PRE 7/90)
1	1	0	11.1%	8	44.4%	0	0.0%	18	INDECENT LIBERTIES-DD VICTIM (POST 7/90)
0	0	0	0.0%	1	100.0%	0	0.0%	1	INDECENT LIBERTIES-DD VICTIM (PRE 7/90)
0	0	0	0.0%	0	0.0%	0	0.0%	1	INTIMIDATING A JUDGE
0	0	1	6.7%	0	0.0%	4	26.7%	15	INTIMIDATING A PUBLIC SERVANT
0	0	0	0.0%	0	0.0%	1	16.7%	6	INTIMIDATING A WITNESS
0	0	0	0.0%	0	0.0%	0	0.0%	1	INTIMIDATION WITH AN EXPLOSIVE
0	0	0	0.0%	0	0.0%	1	100.0%	1	INTRODUCING CONTRABAND 2
3	1	0	14.3%	0	0.0%	0	0.0%	28	KIDNAPPING 1
1	1	0	11.8%	0	0.0%	0	0.0%	17	KIDNAPPING 2
0	0	0	0.0%	0	0.0%	0	0.0%	3	LEADING ORGANIZED CRIME
0	0	0	0.0%	0	0.0%	1	50.0%	2	LOTTERY ACT VIOLATION
1	0	0	100.0%	0	0.0%	0	0.0%	1	LURING OF CHILD OR DD PERSON
0	0	0	0.0%	0	0.0%	1	9.1%	11	MAINTAIN PLACE FOR DRUGS - 1ST OFF
0	0	0	0.0%	0	0.0%	0	0.0%	1	MAINTAINING PLACE FOR DRUGS - SUBSEQ
0	0	0	0.0%	0	0.0%	3	33.3%	9	MALICIOUS HARASSMENT
0	0	0	0.0%	0	0.0%	0	0.0%	1	MALICIOUS INJURY TO RAILROAD PROPERTY
0	0	0	0.0%	0	0.0%	17	20.5%	83	MALICIOUS MISCHIEF 1
2	1	2	1.7%	0	0.0%	51	17.2%	296	MALICIOUS MISCHIEF 2
6	5	0	35.5%	0	0.0%	0	0.0%	31	MANSLAUGHTER 1
0	1	0	7.7%	0	0.0%	0	0.0%	13	MANSLAUGHTER 2
24	28	1	5.0%	0	0.0%	24	2.2%	1068	MFG DEL P W/I HEROIN COCAINE
0	7	0	7.1%	0	0.0%	0	0.0%	98	MFG DEL P W/I HEROIN COCAINE - SCH ZONE
14	21	0	6.1%	0	0.0%	0	0.0%	571	MFG DEL P W/I HEROIN COCAINE SUBSEQ
9	2	11	4.1%	0	0.0%	169	31.8%	532	MFG DEL P W/I MARIJUANA - 1ST OFFENSE
0	1	0	20.0%	0	0.0%	0	0.0%	5	MFG DEL P W/I MARIJUANA - SCH ZONE

EXCEPTIONAL				SSOSA		FTOW		TOTAL	OFFENSE
Above	Below	Within	%	N	%	N	%		
0	1	1	5.3%	0	0.0%	1	2.6%	38	MFG DEL P W/I MARIJUANA - SUBSEQ
0	0	0	0.0%	0	0.0%	0	0.0%	1	MFG DEL P W/I METH - 1ST OFFENSE (POST 6/5/96)
12	9	6	7.2%	0	0.0%	41	10.9%	375	MFG DEL P W/I METH - 1ST OFFENSE (PRE 6/6/96)
0	0	0	0.0%	0	0.0%	1	20.0%	5	MFG DEL P W/I METH - SCH ZONE (PRE 6/6/96)
0	3	2	8.2%	0	0.0%	0	0.0%	61	MFG DEL P W/I METH - SUBSEQ (PRE 6/6/96)
1	0	0	2.0%	0	0.0%	11	21.6%	51	MFG DEL P W/I OTHER, EXC MJ METH - 1ST OFF
0	0	0	0.0%	0	0.0%	0	0.0%	3	MFG DEL P W/I OTHER, EXC MJ METH - SCH ZONE
0	0	0	0.0%	0	0.0%	0	0.0%	8	MFG DEL P W/I OTHER, EXC MJ METH - SUBSEQ
0	0	0	0.0%	0	0.0%	0	0.0%	9	MFG DEL P W/I SCH I/I NARC 1ST OFF
0	0	0	0.0%	0	0.0%	0	0.0%	10	MFG DEL P W/I SCH I/I NARC SUBSEQ
0	0	0	0.0%	0	0.0%	0	0.0%	1	MFG DIS P W/I IMITATION CS (POST 7/89)
0	0	0	0.0%	0	0.0%	0	0.0%	1	MISCONDUCT BY PUBLIC OFFICER
0	0	0	0.0%	0	0.0%	0	0.0%	1	MONEY LAUNDERING
15	0	0	23.4%	0	0.0%	0	0.0%	64	MURDER 1 (POST 7/1/90)
0	0	0	0.0%	0	0.0%	0	0.0%	1	MURDER 1 (PRE 7/1/90)
5	6	0	12.6%	0	0.0%	0	0.0%	87	MURDER 2 (POST 7/1/90)
2	0	0	2.1%	0	0.0%	20	21.3%	94	NO CONTACT ORDER-ASSAULT/RECKLESS ENDGRMENT
0	0	0	0.0%	0	0.0%	24	24.0%	100	NO CONTACT ORDER-DOMESTIC VIOLENCE
0	0	1	33.3%	0	0.0%	0	0.0%	3	OBTAIN SIGNATURE BY DECEPTION
0	0	0	0.0%	0	0.0%	0	0.0%	1	OVER 18- DELIVER OTHER CS TO MINOR
0	0	0	0.0%	0	0.0%	0	0.0%	1	OVER 18- DELIVER OTHER CS TO MINOR - SCH ZONE
1	0	0	100.0%	0	0.0%	0	0.0%	1	OVER 18- DELIVER SCH I/I NARC/METH TO MINOR
0	0	0	0.0%	0	0.0%	2	40.0%	5	PATRONIZING A JUV PROSTITUTE
0	0	0	0.0%	0	0.0%	2	66.7%	3	PERJURY 1
0	0	0	0.0%	0	0.0%	1	7.7%	13	POSS OF A CS-BY PRISONERS
13	1	76	4.4%	0	0.0%	624	30.8%	2025	POSS OF A CS-OTHER, EXCEPT PCP
0	0	0	0.0%	0	0.0%	0	0.0%	1	POSS OF A CS-OTHER, EXCEPT PCP, IN CORR FACILITY
10	14	11	1.8%	0	0.0%	300	15.1%	1982	POSS OF A CS-SCHEDULE I/II
0	0	0	0.0%	0	0.0%	0	0.0%	4	POSS OF A CS-SCHEDULE I/II IN CORR FACILITY
0	1	0	3.7%	0	0.0%	9	33.3%	27	POSS OF A STOLEN FIREARM
0	0	0	0.0%	0	0.0%	0	0.0%	4	POSS OF DEPICTIONS OF MINORS
0	0	0	0.0%	0	0.0%	2	16.7%	12	POSS OF LEASED PROPERTY
3	0	0	6.5%	0	0.0%	6	13.0%	46	POSS OF MACH GUN OR SHORT BARREL SHOTGUN
3	1	0	1.3%	0	0.0%	40	12.7%	314	POSS OF STOLEN PROPERTY 1
5	1	0	0.7%	0	0.0%	74	8.5%	868	POSS OF STOLEN PROPERTY 2
0	0	0	0.0%	0	0.0%	0	0.0%	2	PROFESSIONAL GAMBLING
1	0	0	33.3%	0	0.0%	0	0.0%	3	PROMOTING PROSTITUTION 1
1	0	0	12.5%	0	0.0%	2	25.0%	8	PROMOTING PROSTITUTION 2
0	0	0	0.0%	0	0.0%	0	0.0%	1	PROMOTING SUICIDE ATTEMPT
0	0	1	1.8%	0	0.0%	15	27.3%	55	PROTECTION ORDER - ASSAULT, RECKLESS ENDGMENT
6	0	0	17.1%	0	0.0%	0	0.0%	35	RAPE 1 (POST 7/90)
2	0	0	6.5%	0	0.0%	0	0.0%	31	RAPE 2 (POST 7/90)
4	2	1	13.2%	5	9.4%	0	0.0%	53	RAPE 3
11	1	0	9.7%	41	33.1%	0	0.0%	124	RAPE OF A CHILD 1 (POST 7/90)
1	1	0	22.2%	1	11.1%	0	0.0%	9	RAPE OF A CHILD 1 (PRE 7/90)
4	0	0	6.2%	33	50.8%	0	0.0%	65	RAPE OF A CHILD 2 (POST 7/90)
4	4	0	9.0%	33	37.1%	0	0.0%	89	RAPE OF A CHILD 3 (POST 7/90)
0	0	0	0.0%	0	0.0%	0	0.0%	1	RAPE OF A CHILD 3 (PRE 7/90)
0	0	0	0.0%	0	0.0%	8	53.3%	15	RECKLESS BURNING 1

EXCEPTIONAL				SSOSA		FTOW		TOTAL	OFFENSE
Above	Below	Within	%	N	%	N	%		
0	0	0	0.0%	0	0.0%	3	27.3%	11	RECKLESS ENDANGERMENT 1 (6/13/94-7/22/95)
0	2	0	9.1%	0	0.0%	6	27.3%	22	RECKLESS ENDANGERMENT 1 (POST 7/22/95)
0	0	0	0.0%	0	0.0%	0	0.0%	1	RECKLESS ENDANGERMENT 1 (PRE 6/13/94)
0	4	0	13.3%	0	0.0%	5	16.7%	30	RENDERING CRIMINAL ASSISTANCE 1
6	3	7	2.5%	1	0.2%	154	24.0%	642	RESIDENTIAL BURGLARY (POST 7/90)
0	0	0	0.0%	0	0.0%	0	0.0%	3	RIOT
4	4	0	3.2%	0	0.0%	0	0.0%	247	ROBBERY 1
9	5	2	5.5%	0	0.0%	0	0.0%	291	ROBBERY 2
0	0	0	0.0%	0	0.0%	0	0.0%	2	SECURITY ACT VIOLATION (POST 7/89)
0	0	0	0.0%	0	0.0%	0	0.0%	1	SELL OR DELIVER LEGEND DRUGS
0	0	0	0.0%	4	40.0%	2	20.0%	10	SEXUAL EXPLOITATION (POST 7/1/90)
0	0	0	0.0%	0	0.0%	0	0.0%	1	SEXUAL MISCONDUCT 1 (POST 7/90)
1	0	0	7.1%	0	0.0%	4	28.6%	14	STALKING
0	0	0	0.0%	0	0.0%	0	0.0%	2	STATUTORY RAPE 1 (PRE 7/88)
9	0	1	1.4%	0	0.0%	58	8.4%	690	TAKING A MOTOR VEHICLE WITHOUT PERMISSION
0	0	0	0.0%	0	0.0%	1	10.0%	10	TAMPERING WITH A WITNESS
0	0	0	0.0%	0	0.0%	0	0.0%	1	TELECOMMUNICATIONS FRAUD-OBTAINING SVCS
1	0	0	5.9%	0	0.0%	3	17.6%	17	TELEPHONE HARASSMENT
37	5	4	5.7%	0	0.0%	136	16.7%	812	THEFT 1
1	0	0	0.5%	0	0.0%	39	19.7%	198	THEFT 1 - WELFARE FRAUD
7	6	6	1.4%	0	0.0%	136	9.9%	1380	THEFT 2
0	0	0	0.0%	0	0.0%	21	15.7%	134	THEFT 2 - WELFARE FRAUD
0	2	0	6.9%	0	0.0%	8	27.6%	29	THEFT OF A FIREARM (POST 7/22/95)
0	2	0	5.6%	0	0.0%	20	55.6%	36	THEFT OF A FIREARM (PRE 7/23/95)
0	0	0	0.0%	0	0.0%	3	30.0%	10	THREATS TO BOMB (POST 7/89)
2	1	1	6.0%	0	0.0%	18	26.9%	67	TRAFFICKING IN STOLEN PROPERTY 1
1	0	0	2.8%	0	0.0%	1	2.8%	36	TRAFFICKING IN STOLEN PROPERTY 2
3	1	0	6.7%	0	0.0%	18	30.0%	60	UNLAWFUL IMPRISONMENT
0	0	3	1.7%	0	0.0%	18	10.2%	177	UNLAWFUL ISSUANCE OF CHECKS OR DRAFTS
5	5	0	6.8%	0	0.0%	4	2.7%	146	UNLAWFUL POSSESSION OF FIREARM (PRE 7/23/95)
0	3	0	3.9%	0	0.0%	0	0.0%	76	UNLAWFUL POSSESSION OF FIREARM 1
9	0	2	8.6%	0	0.0%	3	2.3%	128	UNLAWFUL POSSESSION OF FIREARM 2
0	0	0	0.0%	0	0.0%	1	25.0%	4	UNLAWFUL USE OF FOOD STAMPS
0	0	0	0.0%	0	0.0%	1	12.5%	8	USE BUILDING FOR DRUGS
6	2	4	16.2%	0	0.0%	1	1.4%	74	VEH ASSAULT (7/86 - 6/5/96)
0	0	0	0.0%	0	0.0%	0	0.0%	1	VEH HOM-DRUNK OR RECKLESS (7/23/89 - 6/30/94)
2	1	0	14.3%	0	0.0%	7	33.3%	21	VEH HOMICIDE-DISREGARD SAFETY OF OTHERS (PRE 6/6/96)
4	1	1	24.0%	0	0.0%	0	0.0%	25	VEH HOMICIDE-DRUNK (6/30/94 - 6/5/96)
1	0	0	10.0%	0	0.0%	0	0.0%	10	VEH HOMICIDE-RECKLESS MANNER (6/30/94 - 6/5/96)
0	0	0	0.0%	0	0.0%	1	7.7%	13	VEHICLE PROWL 1
0	0	0	0.0%	0	0.0%	0	0.0%	75	WILLFUL FAIL RTN FROM WORK REL (POST 7/86)
0	0	0	0.0%	0	0.0%	0	0.0%	2	WILLFUL FAILURE TO RETURN FROM FURLOUGH
406	229	184	3.8%	299	1.4%	2958	13.8%	21421	TOTAL, ALL OFFENSES

Table 12.

Length of Sentence Relative to Standard Range^{1,2}

SENTENCE RELATIVE TO STANDARD RANGE			WHERE IN THE RANGE?	OFFENSE
Above	Below	Within		
0	0	2	n.a.	<Death Sent> AGGRAVATED MURDER 1 (POST 7/1/90)
0	0	14	n.a.	<Life Sent> AGGRAVATED MURDER 1 (POST 7/1/90)
0	0	3	n.a.	<Life Sent> ASSAULT 1 (POST 7/1/90)
0	0	3	n.a.	<Life Sent> ASSAULT 2 (POST 7/1/88)
0	0	2	n.a.	<Life Sent> BURGLARY 1
0	0	4	n.a.	<Life Sent> CHILD MOLESTATION 1 (POST 7/90)
0	0	2	n.a.	<Life Sent> KIDNAPPING 1
0	0	3	n.a.	<Life Sent> MURDER 1 (POST 7/1/90)
0	0	1	n.a.	<Life Sent> MURDER 2 (POST 7/1/90)
0	0	2	n.a.	<Life Sent> RAPE 1 (POST 7/90)
0	0	1	n.a.	<Life Sent> RAPE 2 (POST 7/90)
0	0	8	n.a.	<Life Sent> ROBBERY 1
0	0	8	n.a.	<Life Sent> ROBBERY 2
0	0	31	14.4%	ALIEN IN POSSESSION OF A FIREARM
0	0	11	40.4%	ANIMAL CRUELTY 1
3	2	18	41.7%	ARSON 1
0	1	47	51.8%	ARSON 2
6	3	70	56.9%	ASSAULT 1 (POST 7/1/90)
35	27	667	45.1%	ASSAULT 2 (POST 7/1/88)
24	85	839	34.7%	ASSAULT 3 (POST 7/1/88)
0	0	1	0.0%	ASSAULT 3 (PRE 7/1/88)
2	0	5	52.7%	ASSAULT OF A CHILD 1
1	1	25	54.6%	ASSAULT OF A CHILD 2
4	4	29	47.5%	ASSAULT OF A CHILD 3
9	4	581	43.7%	ATTEMPTING TO ELUDE PURSUING POLICE VEHICLE
0	0	1	100.0%	BAIL JUMP WITH CLASS A (POST 7/89)
4	23	100	25.3%	BAIL JUMP WITH CLASS B OR C (POST 7/89)
0	2	0	n.a.	BRIBERY
0	0	1	0.0%	BRIBING A WITNESS
10	8	92	41.6%	BURGLARY 1
13	58	826	25.4%	BURGLARY 2 (NONDWELLING - POST 7/90)
0	0	4	28.7%	BURGLARY 2 (PRE 7/90)
0	0	2	62.2%	C/D/P COUNTERFEIT CS NARC 1ST OFF
1	0	2	37.5%	C/D/P COUNTERFEIT CS NARC SUBSEQ
0	0	1	71.4%	C/D/P COUNTERFEIT CS NON-NARC SUBSEQ
5	99	109	57.0%	CHILD MOLESTATION 1 (POST 7/90)
0	5	5	80.0%	CHILD MOLESTATION 1 (PRE 7/90)
1	27	41	64.5%	CHILD MOLESTATION 2 (POST 7/90)
0	15	34	54.1%	CHILD MOLESTATION 3 (POST 7/90)
0	0	1	0.0%	CHILD MOLESTATION 3 (PRE 7/90)

SENTENCE RELATIVE TO STANDARD RANGE			WHERE IN THE RANGE?	OFFENSE
Above	Below	Within		
0	0	1	4.1%	CIGARETTE TRANSPORT UNLAWFULLY
1	1	20	73.6%	COMMUNICATION WITH A MINOR (POST 7/86)
0	0	3	55.0%	COMPUTER TRESPASS 1
0	1	1	50.0%	CONTROLLED SUBST HOMICIDE (POST 7/89) - 1ST OFF
0	0	1	0.0%	CONTROLLED SUBST HOMICIDE (POST 7/89) - SUBSEQ
0	0	1	100.0%	CONTROLLED SUBSTANCE LABEL VIOL. 1ST OFF
2	1	0	n.a.	CRIMINAL MISTREATMENT 1
0	1	7	65.7%	CRIMINAL MISTREATMENT 2
2	1	44	25.2%	CUSTODIAL ASSAULT (POST 7/89)
0	0	11	23.0%	CUSTODIAL INTERFERENCE 1
0	0	1	11.1%	DEFRAUDING A PUBLIC UTILITY 1
0	0	1	8.3%	DEFRAUDING A PUBLIC UTILITY 2
0	4	92	21.6%	DEL MAT IN LIEU OF C S (POST 7/89) - 1ST OFF
2	2	30	9.2%	DEL MAT IN LIEU OF C S (POST 7/89) - SUBSEQ
0	0	1	16.7%	DELIVER FIREARM TO INELIGIBLE PERSON
0	1	7	39.1%	DRUG UNKNOWN, LEV 8 (CURRENT OFFENSE)
0	3	73	14.9%	ESCAPE 1
0	11	99	23.8%	ESCAPE 2
0	1	90	26.0%	ESCAPE FROM COMMUNITY CUSTODY (POST 6/11/92)
2	0	4	26.9%	EXPLOSIVES - LICENSING VIOLATION
0	0	1	0.0%	EXTORTION 1
0	1	4	43.7%	EXTORTION 2
0	0	34	11.6%	FAILURE TO REGISTER AS CLASS A SEX OFFENDER
0	0	1	66.7%	FALSE CLAIMS - HEALTH CARE (POST 7/22/95)
0	0	1	8.3%	FALSE INFO IN INDUSTRIAL INSURANCE CLAIM
0	1	12	41.3%	FALSE VERIFICATION FOR WELFARE
0	0	1	8.3%	FOOD FISH/SHELLFISH COMMERCIAL VIOLATION
1	6	93	26.8%	FORGED PRESCRIP - VUCSA - 1ST OFF
0	0	14	21.3%	FORGED PRESCRIP - VUCSA - SUBSEQ
0	0	17	32.2%	FORGED PRESCRIP - VULDA
13	40	1230	38.4%	FORGERY
0	0	1	12.3%	GAMBLING DEVICE POSSESSION
0	0	2	6.9%	GAME VIOLATION - INCLUDING FISH
4	12	166	42.3%	HARASSMENT
0	26	63	42.9%	HIT & RUN - ATTENDED INJURY
1	0	3	100.0%	HOMICIDE BY ABUSE (POST 7/1/90)
0	0	1	8.3%	INCENDIARY DEVICES
2	5	8	81.2%	INCEST 1 (VICTIM UNDER AGE 14)
0	6	5	42.7%	INCEST 2 (VICTIM UNDER AGE 14)
0	0	4	21.3%	INDECENT EXPOSURE
0	4	2	100.0%	INDECENT LIBERTIES W/O FORCE (PRE 7/88)
1	3	13	40.3%	INDECENT LIBERTIES WITH FORCE (POST 7/90)
0	2	0	n.a.	INDECENT LIBERTIES WITH FORCE (PRE 7/90)
1	9	8	75.0%	INDECENT LIBERTIES-DD VICTIM (POST 7/90)
0	1	0	n.a.	INDECENT LIBERTIES-DD VICTIM (PRE 7/90)
0	0	1	100.0%	INTIMIDATING A JUDGE

SENTENCE RELATIVE TO STANDARD RANGE			WHERE IN THE RANGE?	OFFENSE
Above	Below	Within		
0	4	11	19.7%	INTIMIDATING A PUBLIC SERVANT
0	1	5	50.0%	INTIMIDATING A WITNESS
0	0	1	25.0%	INTIMIDATION WITH AN EXPLOSIVE
0	1	0	n.a.	INTRODUCING CONTRABAND 2
3	1	22	51.5%	KIDNAPPING 1
1	1	15	70.0%	KIDNAPPING 2
0	0	3	66.7%	LEADING ORGANIZED CRIME
0	0	2	10.4%	LOTTERY ACT VIOLATION
1	0	0	n.a.	LURING OF CHILD OR DD PERSON
0	0	11	40.0%	MAINTAIN PLACE FOR DRUGS - 1ST OFF
0	0	1	50.0%	MAINTAINING PLACE FOR DRUGS - SUBSEQ
0	2	7	31.0%	MALICIOUS HARASSMENT
0	0	1	15.3%	MALICIOUS INJURY TO RAILROAD PROPERTY
0	0	83	35.7%	MALICIOUS MISCHIEF 1
8	2	286	45.7%	MALICIOUS MISCHIEF 2
6	5	20	76.2%	MANSLAUGHTER 1
0	1	12	62.6%	MANSLAUGHTER 2
28	39	1001	28.8%	MFG DEL P W/I HEROIN COCAINE
2	14	82	34.5%	MFG DEL P W/I HEROIN COCAINE - SCH ZONE
14	25	532	26.6%	MFG DEL P W/I HEROIN COCAINE SUBSEQ
9	58	465	19.4%	MFG DEL P W/I MARIJUANA - 1ST OFFENSE
0	1	4	25.0%	MFG DEL P W/I MARIJUANA - SCH ZONE
0	2	36	17.8%	MFG DEL P W/I MARIJUANA - SUBSEQ
0	0	1	0.0%	MFG DEL P W/I METH - 1ST OFFENSE (POST 6/5/96)
14	37	324	30.5%	MFG DEL P W/I METH - 1ST OFFENSE (PRE 6/6/96)
0	1	4	37.5%	MFG DEL P W/I METH - SCH ZONE (PRE 6/6/96)
1	6	54	31.4%	MFG DEL P W/I METH - SUBSEQ (PRE 6/6/96)
1	7	43	34.0%	MFG DEL P W/I OTHER, EXC MJ METH - 1ST OFF
0	0	3	33.3%	MFG DEL P W/I OTHER, EXC MJ METH - SCH ZONE
0	0	8	43.6%	MFG DEL P W/I OTHER, EXC MJ METH - SUBSEQ
0	0	9	53.9%	MFG DEL P W/I SCH I/II NARC 1ST OFF
0	0	10	36.4%	MFG DEL P W/I SCH I/II NARC SUBSEQ
0	0	1	40.5%	MFG DIS P W/I IMITATION CS (POST 7/89)
0	0	1	39.2%	MISCONDUCT BY PUBLIC OFFICER
0	0	1	25.0%	MONEY LAUNDERING
15	0	46	76.0%	MURDER 1 (POST 7/1/90)
0	0	1	100.0%	MURDER 1 (PRE 7/1/90)
6	6	74	59.2%	MURDER 2 (POST 7/1/90)
2	0	92	29.9%	NO CONTACT ORDER-ASSAULT/RECKLESS ENDGRMENT
0	0	100	28.3%	NO CONTACT ORDER-DOMESTIC VIOLENCE
0	0	3	66.7%	OBTAIN SIGNATURE BY DECEPTION
0	0	1	0.0%	OVER 18- DELIVER OTHER CS TO MINOR
1	0	0	n.a.	OVER 18- DELIVER OTHER CS TO MINOR - SCH ZONE
1	0	0	n.a.	OVER 18- DELIVER SCH I/II NARC/METH TO MINOR
0	2	3	83.3%	PATRONIZING A JUV PROSTITUTE
0	2	1	100.0%	PERJURY 1

SENTENCE RELATIVE TO STANDARD RANGE			WHERE IN THE RANGE?	OFFENSE
Above	Below	Within		
0	0	13	30.5%	POSS OF A CS-BY PRISONERS
39	10	1976	41.2%	POSS OF A CS-OTHER, EXCEPT PCP
0	0	1	1.5%	POSS OF A CS-OTHER, EXCEPT PCP, IN CORR FACILITY
14	40	1928	27.0%	POSS OF A CS-SCHEDULE I/II
0	0	4	38.3%	POSS OF A CS-SCHEDULE I/II IN CORR FACILITY
0	10	17	21.6%	POSS OF A STOLEN FIREARM
0	0	4	25.0%	POSS OF DEPICTIONS OF MINORS
0	1	11	13.1%	POSS OF LEASED PROPERTY
3	0	43	22.2%	POSS OF MACH GUN OR SHORT BARREL SHOTGUN
3	9	302	38.9%	POSS OF STOLEN PROPERTY 1
10	12	846	41.2%	POSS OF STOLEN PROPERTY 2
0	0	2	10.4%	PROFESSIONAL GAMBLING
1	0	2	100.0%	PROMOTING PROSTITUTION 1
1	1	6	20.8%	PROMOTING PROSTITUTION 2
0	0	1	50.0%	PROMOTING SUICIDE ATTEMPT
0	0	55	26.7%	PROTECTION ORDER - ASSAULT, RECKLESS ENDGMNT
7	0	26	60.0%	RAPE 1 (POST 7/90)
2	0	28	67.8%	RAPE 2 (POST 7/90)
4	5	44	57.3%	RAPE 3
11	42	71	48.3%	RAPE OF A CHILD 1 (POST 7/90)
1	2	6	59.2%	RAPE OF A CHILD 1 (PRE 7/90)
4	33	28	38.2%	RAPE OF A CHILD 2 (POST 7/90)
5	37	47	57.3%	RAPE OF A CHILD 3 (POST 7/90)
0	0	1	66.7%	RAPE OF A CHILD 3 (PRE 7/90)
0	0	15	47.8%	RECKLESS BURNING 1
0	5	6	13.3%	RECKLESS ENDANGERMENT 1 (6/13/94-7/22/95)
0	9	13	68.2%	RECKLESS ENDANGERMENT 1 (POST 7/22/95)
0	0	1	33.3%	RECKLESS ENDANGERMENT 1 (PRE 6/13/94)
0	9	21	50.7%	RENDERING CRIMINAL ASSISTANCE 1
7	127	508	31.0%	RESIDENTIAL BURGLARY (POST 7/90)
0	0	3	54.6%	RIOT
4	5	230	42.9%	ROBBERY 1
10	7	266	39.4%	ROBBERY 2
0	0	2	50.0%	SECURITY ACT VIOLATION (POST 7/89)
0	0	1	15.6%	SELL OR DELIVER LEGEND DRUGS
0	6	4	75.0%	SEXUAL EXPLOITATION (POST 7/1/90)
0	0	1	100.0%	SEXUAL MISCONDUCT 1 (POST 7/90)
1	0	13	47.1%	STALKING
0	0	2	26.9%	STATUTORY RAPE 1 (PRE 7/88)
14	3	673	42.6%	TAKING A MOTOR VEHICLE WITHOUT PERMISSION
0	0	10	44.9%	TAMPERING WITH A WITNESS
0	0	1	8.3%	TELECOMMUNICATIONS FRAUD-OBTAINING SVCS
1	0	16	24.4%	TELEPHONE HARASSMENT
39	31	742	40.9%	THEFT 1
1	3	194	28.9%	THEFT 1 - WELFARE FRAUD
11	17	1352	39.7%	THEFT 2

SENTENCE RELATIVE TO STANDARD RANGE			WHERE IN THE RANGE?	OFFENSE
Above	Below	Within		
0	1	133	27.6%	THEFT 2 - WELFARE FRAUD
0	11	18	17.2%	THEFT OF A FIREARM (POST 7/22/95)
0	22	14	27.0%	THEFT OF A FIREARM (PRE 7/23/95)
0	3	7	45.2%	THREATS TO BOMB (POST 7/89)
2	19	46	28.7%	TRAFFICKING IN STOLEN PROPERTY 1
1	1	34	22.9%	TRAFFICKING IN STOLEN PROPERTY 2
3	4	53	39.1%	UNLAWFUL IMPRISONMENT
1	3	173	42.3%	UNLAWFUL ISSUANCE OF CHECKS OR DRAFTS
5	8	133	22.8%	UNLAWFUL POSSESSION OF FIREARM (PRE 7/23/95)
0	12	64	27.5%	UNLAWFUL POSSESSION OF FIREARM 1
10	1	117	27.1%	UNLAWFUL POSSESSION OF FIREARM 2
0	1	3	66.6%	UNLAWFUL USE OF FOOD STAMPS
0	0	8	13.0%	USE BUILDING FOR DRUGS
6	2	66	41.4%	VEH ASSAULT (7/86 - 6/5/96)
0	0	1	0.0%	VEH HOM-DRUNK OR RECKLESS (7/23/89 - 6/30/94)
2	8	11	40.9%	VEH HOMICIDE-DISREGARD SAFETY OF OTHERS (PRE 6/6/96)
4	1	20	50.1%	VEH HOMICIDE-DRUNK (6/30/94 - 6/5/96)
1	0	9	60.4%	VEH HOMICIDE-RECKLESS MANNER (6/30/94 - 6/5/96)
0	0	13	39.6%	VEHICLE PROWL 1
0	2	73	19.0%	WILLFUL FAIL RTN FROM WORK REL (POST 7/86)
0	0	2	0.0%	WILLFUL FAILURE TO RETURN FROM FURLOUGH
491	1248	19682	35.8%	ALL OFFENSES

¹

The "WHERE IN THE RANGE?" (WIR) column in this table displays a statistic based on the sentences of those offenders sentenced within the standard range. The statistic presents the average sentence for these offenders as a number from 0 to 100, where 0 corresponds to a sentence at the bottom of the range and 100 a sentence at the top of the range. Thus an average at the midpoint of the range corresponds to a WIR score of 50 (i.e., 50% of the range).

²

All life/death sentences for Aggravated Murder are "within the range." Offenders may also be sentenced to life as "Persistent Offenders" or as part of an exceptional sentence. Life sentences for Persistent Offenders are considered to be within the standard range. Life sentences ordered as part of an exceptional sentence are above the standard range.

Table 13.

Average Sentence of "Most Serious Offenders" by County

COUNTY	Number	Months
Adams	11	65.4
Asotin	4	20.5
Benton	51	31.3
Chelan	37	52.9
Clallam	40	53.0
Clark	161	72.4
Columbia	2	2.0
Cowlitz	85	55.1
Douglas	8	112.6
Ferry	5	92.8
Franklin	42	103.7
Grant	52	33.5
Grays Harbor	32	53.5
Island	5	17.9
Jefferson	15	41.6
King	730	53.1
Kitsap	82	47.6
Kittitas	9	45.1
Klickitat	6	17.0
Lewis	45	66.6
Lincoln	6	24.6
Mason	28	98.4
Okanogan	15	28.2
Pacific	15	24.2
Pend Oreille	5	132.8
Pierce	335	69.3
San Juan	1	36.0
Skagit	34	51.3
Skamania	12	48.9
Snohomish	226	76.8
Spokane	149	55.3
Stevens	8	38.0
Thurston	89	43.4
Wahkiakum	4	78.0
Walla Walla	24	70.3
Whatcom	55	38.7
Whitman	6	18.3
Yakima	174	60.3
TOTAL	2608	58.8

MOST SERIOUS OFFENDERS:
LIFE OR DEATH SENTENCES, BY COUNTY

COUNTY	Number	Sentence
Benton	1	Death
Clallam	3	Life
Clark	2	Life
Cowlitz	1	Life
Douglas	1	Life
Grant	1	Life
Grays Harbor	1	Life
King	9	Life
Kitsap	2	Life
Okanogan	2	Life
Pacific	2	Life
Pend Oreille	1	Life
Pierce	10	Life
Snohomish	4	Life
Spokane	7	Life
Thurston	1	Life
Walla Walla	1	Life
Whatcom	1	Death
Whatcom	1	Life
Yakima	2	Life
TOTAL	53	

NOTE: The definition of "Most Serious Offender" used in this table is a person convicted of a "most serious offense" as defined in RCW 9.94A.030.

Table 14.
 "Persistent Offenders" by County and Sentence Month

COUNTY	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	TOTAL
Adams	0	0	0	0	0	0	0	0	0	0	0	0	0
Asotin	0	0	0	0	0	0	0	0	0	0	0	0	0
Benton	0	0	0	0	0	0	0	0	0	0	0	0	0
Chelan	0	0	0	0	0	0	0	0	0	0	0	0	0
Clallam	0	2	0	0	1	0	0	0	0	0	0	0	3
Clark	0	0	0	1	0	0	0	0	0	0	0	0	1
Columbia	0	0	0	0	0	0	0	0	0	0	0	0	0
Cowlitz	0	0	0	0	0	0	0	0	0	0	0	0	0
Douglas	0	0	0	0	0	0	0	0	0	0	0	0	0
Ferry	0	0	0	0	0	0	0	0	0	0	0	0	0
Franklin	0	0	0	0	0	0	0	0	0	0	0	0	0
Garfield	0	0	0	0	0	0	0	0	0	0	0	0	0
Grant	0	0	0	0	0	0	1	0	0	0	0	0	1
Grays Harbor	0	0	0	0	0	0	0	0	0	0	0	0	0
Island	0	0	0	0	0	0	0	0	0	0	0	0	0
Jefferson	0	0	0	0	0	0	0	0	0	0	0	0	0
King	1	1	1	1	2	0	0	0	2	0	1	0	9
Kitsap	0	0	0	0	0	0	0	0	0	0	0	0	0
Kittitas	0	0	0	0	0	0	0	0	0	0	0	0	0
Klickitat	0	0	0	0	0	0	0	0	0	0	0	0	0
Lewis	0	0	0	0	0	0	0	0	0	0	0	0	0
Lincoln	0	0	0	0	0	0	0	0	0	0	0	0	0
Mason	0	0	0	0	0	0	0	0	0	0	0	0	0
Okanogan	0	0	0	0	0	0	0	0	0	0	0	0	0
Pacific	0	0	0	0	0	0	0	0	0	0	0	2	2
Pend Oreille	0	0	0	0	0	0	0	0	0	0	0	0	0
Pierce	0	0	0	2	2	1	1	0	1	1	0	1	9
San Juan	0	0	0	0	0	0	0	0	0	0	0	0	0
Skagit	0	0	0	0	0	0	0	0	0	0	0	0	0
Skamania	0	0	0	0	0	0	0	0	0	0	0	0	0
Snohomish	1	0	0	0	0	0	0	0	1	0	0	1	3
Spokane	0	0	0	0	0	0	1	0	0	0	2	1	4
Stevens	0	0	0	0	0	0	0	0	0	0	0	0	0
Thurston	0	0	0	0	1	0	0	0	0	0	0	0	1
Wahkiakum	0	0	0	0	0	0	0	0	0	0	0	0	0
Walla Walla	0	0	0	0	0	0	0	0	1	0	0	0	1
Whatcom	0	1	0	0	0	0	0	0	0	0	0	0	1
Whitman	0	0	0	0	0	0	0	0	0	0	0	0	0
Yakima	0	0	0	1	0	1	0	0	0	0	0	0	2
TOTAL	2	4	1	5	6	2	3	0	5	1	3	5	37

EXCEPTIONAL SENTENCES

Under provisions of the state Sentencing Reform Act (SRA), every adult felony offense has a presumed range of punishment determined by the seriousness of the offense, the number and type of other current offenses, and the number and type of prior adult and juvenile offenses. The presumptive range for certain offenses may be increased for weapon usage, dealing drugs in a school or other protected zone, or certain drug offenses committed in a correctional facility. The presumptive range is decreased by 25 percent if the current offense is an attempt, conspiracy, or solicitation to commit a felony. Some alternative sentences are possible under the First-time Offender Waiver (FTOW) for first time offenders excluding violent, sex, or certain drug offenders; or under the Special Sex Offender Sentencing Alternative (SSOSA), which allows suspended sentences for certain offenders.

The SRA presumes that in most cases a sentencing judge will impose a sentence within the standard range for the offense. An exceptional sentence is a sentence outside the standard range. (A sentence under FTOW or SSOSA is not considered an exceptional sentence.) An exceptional sentence is allowed if there are substantial and compelling reasons supported by the record. The judge is required to record these reasons in writing. Some exceptional sentences do not result in incarceration outside the standard range, but are used to provide sentence conditions not otherwise permitted (e.g., lengthy community supervision). Exceptional sentences may be appealed by the prosecution or defense.

The following tables summarize the reasons recorded by sentencing judges when imposing an exceptional sentence. Reasons are summarized separately for mitigated sentences, aggravated sentences, and sentences within the standard range.

Table 15.
Mitigated Exceptional Sentence Reasons

REASON	Number
The victim was an initiator, willing participant, aggressor, or provoker of the incident.	12
The defendant compensated, or made good faith effort to compensate victim.	8
The defendant committed the crime under duress, coercion, threat, or compulsion.	11
The defendant was induced by others to participate in the crime.	5
The defendant's capacity to appreciate the wrongfulness of his or her conduct was impaired.	14
Offense principally accomplished by another, defendant manifested caution or concern.	1
The multiple offense policy results in a clearly excessive presumptive sentence.	32
Offense is response to victim's abuse of defendant or defendant's children.	3
Confession before apprehension.	4
Exceptional Sentence is within the presumptive range.	3
If given credit for good time, sentence is already served.	1
Small quantity of drugs involved.	17
To make frugal use of the state's resources.	12
Exceptional sentence is one day less than range.	6
The first time offender range is not adequate.	1
Exceptional sentence is more appropriate/is in the interest of justice.	16
All parties agreed to mitigated sentence.	78
Isolated incident.	2
Defendant should be sentenced according to agreed range (clerical error).	4
Nature of the offense.	5
For defendant's rehabilitation or treatment.	6
Defendant's age.	2
Prison would be detrimental.	2
Defendant is remorseful.	7
Assisted law enforcement/agreed to help in prosecution of codefendant.	36
Victim or family requests lower sentence.	5
No prior convictions or they are remote in time.	12
Defendant's physical condition.	8
Defendant is addressing psychological problem.	1
Defendant is a battered woman.	0

Table 15. (continued)

REASON	Number
Defendant's actions did not intend crime or harm.	5
Defendant poses no threat to the community.	3
Equivalent sentence with that given codefendant.	0
No injury to the victim.	1
Relationship with the victim.	1
Defendant is addicted to drugs or alcohol.	2
Strong relationship between drug or alcohol addiction and criminal activity.	5
Defendant is making an effort to change behavior or shows desire to do so.	8
Other mitigating factor.	16
Defendant has community or family support.	5
Defendant is providing support to dependents.	2
Defendant is employed, in school, or has good employment/military record.	4
Defendant paid restitution or accepts responsibility for paying it.	3
The delay in filing case was lengthy.	2
Defendant's role was minor.	14
The basis for the sentence was discussed in chambers and justifies leniency.	0
The defendant played an accomplice role.	1
Defendant's mental condition.	15
Defendant is addressing alcohol problem.	2
Defendant was sentenced to the Work Ethic Camp.	0
Defendant to be deported or released into the custody of the Immigration and Naturalization Service (INS).	1
No findings entered.	19
<hr/>	
Total Reasons:	423
Total Mitigated Sentences:	229
Total Reasons Per Case:	1.8

Table 16.
Aggravated Exceptional Sentence Reasons

REASON	Number
Deliberate cruelty to the victim.	47
Victim was particularly vulnerable.	71
Major economic offense involving multiple victims or multiple incidents.	22
Major economic offense with loss substantially greater than typical for the offense.	31
Major economic offense - high sophistication, planning, long time period.	24
Major economic offense - used position of trust, confidence, responsibility.	25
Drug offense involved at least three separate transactions (dealing).	4
Drug offense - quantity substantially larger than personal use (dealing).	17
Drug offense - manufacture of controlled substances for use by others.	3
Drug offense - offender occupied a high position in distribution hierarchy.	4
Drug offense - high sophistication, planning, long time period, broad area.	4
Drug offense - used position or status to facilitate offense.	1
The multiple offense policy results in a clearly lenient presumptive sentence.	63
Defendant is a threat to the community.	14
Seriousness of the offense.	49
Defendant agreed to prison, greater sentence, or treatment.	174
Defendant is not amenable to treatment.	7
Defendant was in a position of trust (not an economic or drug offense).	31
Sophisticated and well planned methods (not an economic or drug offense).	3
Multiple victims or multiple incidents per victim (not an economic offense).	39
No resources in the community.	1
Factors in criminal record.	56
Injuries were greater than necessary for the crime.	24
Continuing criminal activity after arrest or while on probation or parole.	14
Greater treatment available in prison.	4
Sentence to be combined with pre-SRA prison sentence.	0
Additional incidents which, if charged, would result in higher range.	6
Part of an ongoing pattern of sexual abuse of the same victim under 18.	12
For defendant's rehabilitation or treatment, not in prison.	3
Criminal history score greater than 9 points.	30

Table 16. (continued)

REASON	Number
Defendant showed no remorse.	9
Defendant violated zone of privacy.	11
Sentence will promote respect for the law.	8
Crime injured a person other than the victim.	6
Defendant does not accept responsibility for actions, blames others.	3
Weapons were present.	4
Excessive alcohol or drug use.	11
Conduct was premeditated.	3
Other aggravating factor.	21
The crime caused extreme emotional damage to the victim.	13
The defendant committed the crime with sexual motivation.	5
The defendant played a leadership role in the commission of the crime.	1
The crime was gang related.	6
The defendant has a pattern of escalating violence.	9
The defendant threatened the victim.	14
The offense involved a law enforcement officer.	3
The defendant committed the offense to cover up other criminal behavior.	2
The defendant's conduct constituted acts of random violence.	7
The defendant had a more culpable mental state than required for the commission of the crime.	4
The willful and deliberate exposure to the HIV virus.	1
No findings entered.	10
<hr/>	
Total Reasons:	934
Total Aggravated Sentences:	406
Total Reasons Per Case:	2.3

Table 17.
Within Standard Range Exceptional Sentence Reasons

REASON	Number
No findings entered.	6
Aggravating Circumstances	
Deliberate cruelty to the victim.	6
Victim was particularly vulnerable.	5
Major economic offense involving multiple victims or multiple incidents.	3
Major economic offense with loss substantially greater than typical for the offense.	0
Major economic offense - high sophistication, planning, long time period.	0
Major economic offense - used position of trust, confidence, responsibility.	1
Drug offense involved at least three separate transactions (dealing).	0
Drug offense - quantity substantially larger than personal use (dealing).	0
Drug offense - manufacture of controlled substances for use by others.	0
Drug offense - offender occupied a high position in distribution hierarchy.	0
Drug offense - high sophistication, planning, long time period, broad area.	0
Drug offense - used position or status to facilitate offense.	0
The multiple offense policy results in a clearly lenient presumptive sentence.	5
Defendant is a threat to the community.	4
Seriousness of the offense.	3
Defendant agreed to prison, greater sentence, or treatment.	144
Defendant is not amenable to treatment.	0
Defendant was in a position of trust (not an economic or drug offense).	3
Sophisticated and well planned methods (not an economic or drug offense).	2
Multiple victims or multiple incidents per victim (not an economic offense).	2
No resources in the community.	0
Factors in criminal record.	3
Injuries were greater than necessary for the crime.	2
Continuing criminal activity after arrest or while on probation or parole.	3
Greater treatment available in prison.	0
Sentence to be combined with pre-SRA prison sentence.	0
Additional incidents which, if charged, would result in higher range.	0
Part of an ongoing pattern of sexual abuse of the same victim under 18.	0
For defendant's rehabilitation or treatment, not in prison.	5
Criminal history score greater than 9 points.	4

Table 17. (continued)

REASON	Number
Defendant showed no remorse.	0
Defendant violated zone of privacy.	3
Sentence will promote respect for the law.	0
Crime injured a person other than the victim.	1
Defendant does not accept responsibility for actions, blames others.	1
Weapons were present.	0
Excessive alcohol or drug use.	2
Conduct was premeditated.	2
Other aggravating factor.	1
The crime caused extreme emotional damage to the victim.	2
The defendant committed the crime with sexual motivation.	1
The defendant played a leadership role in the commission of the crime.	0
The crime was gang related.	0
The defendant has a pattern of escalating violence.	1
The defendant threatened the victim.	0
The offense involved a law enforcement officer.	0
The defendant committed the offense to cover up other criminal behavior.	0
The defendant's conduct constituted acts of random violence.	0
The defendant had a more culpable mental state than that required for the commission of the crime.	0
The willful and deliberate exposure to the HIV virus.	0
Mitigating Circumstances	
The victim was an initiator, willing participant, aggressor, or provoker of the incident.	1
The defendant compensated, or made good faith effort to compensate victim.	0
The defendant committed the crime under duress, coercion, threat, or compulsion.	2
The defendant was induced by others to participate in the crime.	1
The defendant's capacity to appreciate the wrongfulness of his or her conduct was impaired.	1
Offense principally accomplished by another, defendant manifested caution or concern.	0
The multiple offense policy results in a clearly excessive presumptive sentence.	0
Offense is response to victim's abuse of defendant or defendant's children.	1
Confession before apprehension.	0
Exceptional Sentence is within the presumptive range.	180

Table 17. (continued)

REASON	Number
If given credit for good time, sentence is already served.	0
Small quantity of drugs involved.	0
To make frugal use of the state's resources.	1
Exceptional sentence is one day less than range.	0
The first time offender range is not adequate.	0
Exceptional sentence is more appropriate/is in the interest of justice.	1
All parties agreed to mitigated sentence.	3
Isolated incident.	0
Defendant should be sentenced according to agreed range (clerical error).	0
Nature of the offense.	0
For defendant's rehabilitation or treatment.	3
Defendant's age.	1
Prison would be detrimental.	0
Defendant is remorseful.	1
Assisted law enforcement/agreed to help in prosecution of codefendant.	1
Victim or family requests lower sentence.	0
No prior convictions or they are remote in time.	3
Defendant's physical condition.	3
Defendant is addressing psychological problem.	0
Defendant is a battered woman.	0
Defendant's actions did not intend crime or harm.	0
Defendant poses no threat to the community.	0
Equivalent sentence with that given codefendant.	0
No injury to the victim.	0
Relationship with the victim.	0
Defendant is addicted to drugs or alcohol.	0
Strong relationship between drug or alcohol addiction and criminal activity.	0
Defendant is making an effort to change behavior or shows desire to do so.	0
Other mitigating factor.	2
Defendant has community or family support.	1
Defendant is providing support to dependents.	0
Defendant is employed, in school, or has good employment/military record.	1
Defendant paid restitution or accepts responsibility for paying it.	0
The delay in filing case was lengthy.	0
Defendant's role was minor.	0

Table 17. (continued)

REASON	Number
The basis for the sentence was discussed in chambers and justifies leniency.	0
The defendant played an accomplice role.	1
Defendant's mental condition.	2
Defendant is addressing alcohol problem.	0
Defendant was sentenced to the Work Ethic Camp.	0
Defendant to be deported or released into the custody of the Immigration and Naturalization Service (INS).	0
<hr/> Total Reasons: 425 Total Sentences: 184 Total Reasons Per Case: 2.3	

TABLE 18
CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XV	life/death	Aggravated Murder 1 (RCW 10.95.020)
XIV	240 - 320m	Murder 1 (RCW 9A.32.030) Homicide by abuse (RCW 9A.32.055)
XIII	123 - 164m	Murder 2 (RCW 9A.32.050)
XII	93 - 123m	Assault 1 (RCW 9A.36.011) Assault of a Child 1 (RCW 9A.36.120)
XI	78 - 102m	Rape 1 (RCW 9A.44.040) Rape of a Child 1 (RCW 9A.44.073)
X	51 - 68m	Kidnapping 1 (RCW 9A.40.020) Rape 2 (RCW 9A.44.050) Rape of a Child 2 (RCW 9A.44.076) Child Molestation 1 (RCW 9A.44.083) Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1)) Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 (RCW 69.50.406) Leading Organized Crime (RCW 9A.82.060(1)(a))
IX	31 - 41m	Assault of a Child 2 (RCW 9A.36.130) Robbery 1 (RCW 9A.56.200) Manslaughter 1 (RCW 9A.32.060) Explosive devices prohibited (RCW 70.74.180) Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a)) Endangering life and property by explosives with threat to human being (RCW 70.74.270) Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406) Controlled Substance Homicide (RCW 69.50.415) Sexual Exploitation (RCW 9.68A.040) Inciting Criminal Profiteering (RCW 9A.82.060(1)(b)) Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)

VIII	21 - 27m	<p>Arson 1 (RCW 9A.48.020)</p> <p>Promoting Prostitution 1 (RCW 9A.88.070)</p> <p>Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)</p> <p>Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))</p> <p>Manufacture, deliver, or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))</p> <p>Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)</p>
VII	15 - 20m	<p>Burglary 1 (RCW 9A.52.020)</p> <p>Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)</p> <p>Introducing Contraband 1 (RCW 9A.76.140)</p> <p>Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))</p> <p>Child Molestation 2 (RCW 9A.44.086)</p> <p>Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)</p> <p>Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)</p> <p>Involving a minor in drug dealing (RCW 69.50.401(f))</p>
VI	12+ - 14m	<p>Bribery (RCW 9A.68.010)</p> <p>Manslaughter 2 (RCW 9A.32.070)</p> <p>Rape of a Child 3 (RCW 9A.44.079)</p> <p>Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)</p> <p>Damaging building, etc., by explosion with no threat to human being (RCW 70.74.280(2))</p> <p>Endangering life and property by explosives with no threat to human being (RCW 70.74.270)</p> <p>Incest 1 (RCW 9A.64.020(1))</p> <p>Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) (RCW 69.50.401(a)(1)(i))</p> <p>Intimidating a Judge (RCW 9A.72.160)</p> <p>Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))</p>
V	6 - 12m	<p>Criminal Mistreatment 1 (RCW 9A.42.020)</p> <p>Theft of a Firearm (RCW 9A.56.300)</p> <p>Reckless Endangerment 1 (RCW 9A.36.045)</p> <p>Rape 3 (RCW 9A.44.060)</p> <p>Sexual Misconduct with a Minor 1 (RCW 9A.44.093)</p> <p>Child Molestation 3 (RCW 9A.44.089)</p> <p>Kidnapping 2 (RCW 9A.40.030)</p> <p>Extortion 1 (RCW 9A.56.120)</p> <p>Incest 2 (RCW 9A.64.020(2))</p> <p>Perjury 1 (RCW 9A.72.020)</p>

		Extortionate Extension of Credit (RCW 9A.82.020)
		Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
		Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
		Rendering Criminal Assistance 1 (RCW 9A.76.070)
		Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))
		Sexually Violating Human Remains (RCW 9A.44.105)
		Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))
IV	3 - 9m	Residential Burglary (RCW 9A.52.025)
		Theft of Livestock 1 (RCW 9A.56.080)
		Robbery 2 (RCW 9A.56.210)
		Assault 2 (RCW 9A.36.021)
		Escape 1 (RCW 9A.76.110)
		Arson 2 (RCW 9A.48.030)
		Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
		Malicious Harassment (RCW 9A.36.080)
		Threats to Bomb (RCW 9.61.160)
		Willful Failure to Return from Furlough (RCW 72.66.060)
		Hit and Run — Injury Accident (RCW 46.52.020(4))
		Vehicular Assault (RCW 46.61.522)
		Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana or methamphetamines) (RCW 69.50.401(a)(1)(ii) through iv))
		Influencing Outcome of Sporting Event (RCW 9A.82.070)
		Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
		Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
III	1 - 3m	Criminal Mistreatment 2 (RCW 9A.42.030)
		Extortion 2 (RCW 9A.56.130)
		Unlawful Imprisonment (RCW 9A.40.040)
		Assault 3 (RCW 9A.36.031)
		Assault of a Child 3 (RCW 9A.36.140)
		Custodial Assault (RCW 9A.36.100)
		Unlawful possession of firearm or pistol by felon (RCW 9.41.040)
		Harassment (RCW 9A.46.020)
		Promoting Prostitution 2 (RCW 9A.88.080)
		Willful Failure to Return from Work Release (RCW 72.65.070)
		Burglary 2 (RCW 9A.52.030)
		Introducing Contraband 2 (RCW 9A.76.150)
		Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
		Patronizing a Juvenile Prostitute (RCW 9.68A.100)
		Perjury 2 (RCW 9A.72.030)
		Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))

		Intimidating a Public Servant (RCW 9A.76.180)
		Tampering with a Witness (RCW 9A.72.120)
		Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(ii))
		Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))
		Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))
		Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
		Theft of livestock 2 (RCW 9A.56.080)
		Securities Act violation (RCW 21.20.400)
II	0 - 90 days	Malicious Mischief 1 (RCW 9A.48.070)
		Possession of Stolen Property 1 (RCW 9A.56.150)
		Theft 1 (RCW 9A.56.030)
		Possession of controlled substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.401(d))
		Possession of phencyclidine (PCP) (RCW 69.50.401(d))
		Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
		Computer Trespass 1 (RCW 9A.52.110)
		Escape from Community Custody (RCW 72.09.310)
I	0 - 60 days	Theft 2 (RCW 9A.56.040)
		Possession of Stolen Property 2 (RCW 9A.56.160)
		Forgery (RCW 9A.60.020)
		Taking Motor Vehicle Without Permission (RCW 9A.56.070)
		Vehicle Prowl 1 (RCW 9A.52.095)
		Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
		Malicious Mischief 2 (RCW 9A.48.080)
		Reckless Burning 1 (RCW 9A.48.040)
		Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
		Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
		False Verification for Welfare (RCW 74.08.055)
		Forged Prescription (RCW 69.41.020)
		Forged Prescription for a Controlled Substance (RCW 69.50.403)
		Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine) (RCW 69.50.401(d))

PART II:

REPORT ON JUDICIAL SENTENCING PRACTICES

(August 1, 1995 - June 30, 1996)

INTRODUCTION: PURPOSE AND SCOPE OF REPORT

This is the first annual report of the Sentencing Guidelines Commission on the felony sentencing practices of Superior Court Judges in Washington State. It covers offenses sentenced in the 11-month period from August 1, 1995 through June 30, 1996.² It includes 2,974 sentences for the felonies listed in Appendix B.³

This report is required by RCW 9.94A.105, enacted in 1995 as part of Initiative Measure No. 159.⁴ The new law requires the Commission to publish annual reports of the sentencing practices of each Superior Court judge, in relation to the standard range sentencing guidelines enacted by the Legislature in the Sentencing Reform Act, for specified offenses involving violence or armed offenders.⁵

The Commission has made every effort to ensure that this report is objective, accurate, and complete. The report includes a description of Washington's felony sentencing system, the text of some of the laws that affect sentencing, definitions of terms used in the criminal justice system, and other information. This information is essential to understanding the information in the tables.

Since 1984, the Superior Courts have supplied the Sentencing Guidelines Commission with a copy of each sentencing document, called a Judgment and Sentence (J&S), for every adult felony case that results in a conviction. The Commission has published annual statistical reports summarizing this information and has used the data to estimate the impact of proposals to change sentencing laws. This report is based on Judgment and Sentence documents furnished by the Superior Courts of all 39 counties in the state. The original documents are on file with the clerk of each Superior Court and open for public inspection and copying.

The information in this report depicts only a portion of the work of Superior Court judges. Judges hear civil cases and juvenile cases as well as adult criminal cases. Adult criminal cases include misdemeanors as well as felonies.⁶ Felonies, in turn, comprise only about 15 percent of all cases filed in the Superior Courts.⁷ They include property offenses, drug offenses, and some violent offenses not involving weapons or

² Since 1985 the Commission has historically compiled and reported sentencing data by state fiscal year. The effective date of the law requiring this report was July 23, 1995.

³ This is the number of such sentences received in the Commission offices as of October 15, 1996. The Commission receives sentencing information from the county clerks and prosecuting attorneys and has attempted to obtain complete information on all sentences imposed during the report period. However, a few sentences may not yet have been furnished to the Commission as of the date this report was compiled. This report does not include sentences that may have been imposed for crimes committed before July 1, 1984, when the Sentencing Reform Act took effect.

⁴ Chapter 129, Laws of 1995. This section is reproduced in Appendix A.

⁵ The offenses covered in this report are listed in Appendix B.

⁶ The District Courts, rather than the Superior Courts, handle the great majority of misdemeanor cases. However, Superior Courts imposed sentences in 2,489 misdemeanor cases in calendar year 1995. Office of Administrator for the Courts, Caseloads of the Courts of Washington 1995 p. 56.

⁷ In calendar year 1995, 228,337 cases were filed in the Superior Courts statewide. Of these, 33,965 were criminal cases against adults. Office of Administrator for the Courts, Caseloads of the Courts of Washington 1995p. 42.

serious injury, as well as the violent, armed offenses that are the subject of this report. The 2,974 sentences included in this report were about 15 percent of all the felony sentences imposed statewide during the report period.

The mixture of cases heard by Superior Court judges varies from judge to judge and from county to county. For example, some judges hear only civil cases, while others hear both civil and criminal cases, and others spend all or part of the year hearing cases involving juveniles. Some judges are assigned to complex cases that take a long time to complete, while others may hear large numbers of cases in a short period. Therefore the number of sentences reported here for any judge depicts only a part, and sometimes only a fragment, of the judge's work in the course of the report period. If a judge's name is not included in this report, the judge did not impose any sentences for the offenses listed in Appendix B during the 11-month report period.

The statistics in this report are affected by a number of factors, including the number of felony cases each judge handled. Readers are urged to review the narrative portion of this report, as well as the statistical tables, to understand more fully the meaning of the information presented. This is a statistical report, not a description of each case. The facts of every case are different, even though the same laws may apply. Therefore, these statistics should not be used to compare the sentencing practices of different judges or to evaluate any judge's overall performance in office.

The content and format of the report are the Commission's responsibility. We benefited greatly from the recommendations of a workgroup chaired by Judge Robert S. Lasnik of King County Superior Court, a former chair of the Commission. Representatives of the following organizations participated with Commission members and staff in this workgroup and provided other valuable assistance:

- Department of Corrections
- Office of Administrator for the Courts
- Superior Court Judges Association
- Washington Association of Prosecuting Attorneys
- Washington Citizens for Justice
- Washington Defender Association

We are also grateful to the hundreds of criminal justice professionals, including community corrections officers, deputy prosecuting attorneys, and county clerks' employees, who prepare and furnish to Commission staff the sentencing documents on which this report is based. We would appreciate any comments or suggestions on how to make the report more informative in future years.

FELONY SENTENCING PROCESS UNDER WASHINGTON LAW

The Sentencing Reform Act

Sentencing is a judicial responsibility, but judges' discretion in adult felony cases is structured by the Sentencing Reform Act of 1981. The SRA requires determinate sentences, where the term of confinement is specified by the court and, with limited exceptions, is served in its entirety.⁸ There is no parole system in Washington for crimes committed after June 1984⁹.

The SRA applies to felonies committed by adults¹⁰ on and after July 1, 1984. The Legislature defined the purposes of the Act as follows:

The purpose of this chapter is to make the criminal justice system accountable to the public by developing a system for the sentencing of felony offenders which structures, but does not eliminate, discretionary decisions affecting sentences, and to add a new chapter to Title 9 RCW designed to:

- (1) Ensure that the punishment for a criminal offense is proportionate to the seriousness of the offense and the offender's criminal history;
- (2) Promote respect for the law by providing punishment which is just;
- (3) Be commensurate with the punishment imposed on others committing similar offenses;
- (4) Protect the public;
- (5) Offer the offender an opportunity to improve him or herself; and
- (6) Make frugal use of the state's resources.¹¹

Under the SRA, sentences are based on the crime and the offender's prior convictions, using a "sentencing grid" established by law. One axis of the grid is based on the seriousness of the crime. The other axis is based on how many times the defendant has been convicted of felonies, and what types of crimes they were. Certain types of crimes, such as violent, sex, burglary, and drug offenses, are given additional weight as criminal history when sentencing for new offenses of the same type.¹²

⁸ Offenders sentenced to jail or prison can earn early release credit through good conduct and participation in educational or work programs. State law limits earned early release time to one third of the sentence for most felonies, and 15% of the sentence for certain violent or sex offenses. See RCW 9.94A.150. Earned early release time is not available for the mandatory minimum portions of sentences for murder 1, assault 1, rape 1, and assault of a child 1, or for any portion of life sentences or of sentence enhancements based on use of a deadly weapon.

⁹ The Indeterminate Sentence Review Board has jurisdiction over about 750 offenders still in prison under indeterminate sentences for crimes committed before July 1984. The Board determines when they are to be released, if at all, before their statutory maximum terms expire.

¹⁰ Some juveniles (under age 18) are prosecuted as adults and, if convicted of felonies, sentenced under the SRA. See RCW 13.04.030 and 13.40.110.

¹¹ RCW 9.94A.010.

¹² Appendix C reproduces the sentencing grid established under RCW 9.94A.310. Appendix C(2) is the list of offenses ranked by seriousness level, found in RCW 9.94A.320. Appendix C(3) shows the rules for computing the offender score based on criminal history in RCW 9.94A.360.

Standard range sentences

In most cases, the grid determines the standard range of time in jail or prison to which the court may sentence the offender. Sentences of 12 months or less are served in a county jail. Those of more than 12 months are served in state facilities operated by the Department of Corrections. Sentences within the standard range may not be appealed. The standard range is sometimes referred to as the presumptive range. About 92 percent of all felony sentences are within this range.

In certain circumstances, offenders are eligible to receive certain alternative types of standard-range sentences authorized by law, where the range is modified or suspended. These include nonviolent first-time offenders, first-time sex offenders not convicted of first- or second-degree rape, and first-time sellers of small quantities of some drugs. These alternative standard-range sentences are available at the judge's discretion, but not required, for offenders meeting criteria specified in RCW 9.94A.120. Appendix D is a fuller description of these types of standard-range sentences. They are included in this report as sentences within the standard range.

The court must impose other legally mandated sentences under specified circumstances. The standard-range sentence for aggravated first-degree murder is death or life imprisonment, as determined by a jury.¹³ Mandatory minimum sentences apply to first-degree murder, certain types of first-degree assault or assault of a child, and first-degree rape.¹⁴ An offender who has previously been convicted of two specified "most serious offenses," or one specified sex offense, must receive a life sentence under the Persistent Offender Accountability Act.¹⁵ Appendix E describes these types of mandatory sentences, which are included in this report as sentences within the standard range.

The tables in this report also include a few sentences that are the result of clerical errors or miscalculation of the standard range. If such a sentence has been served by the time the error is detected, or has been agreed to by the prosecution in return for the defendant's guilty plea, it generally cannot be modified. Fewer than one percent of all felony sentences, and about one half of one percent of the sentences in Part II of this report, are of this type. They are not identified separately in the tables because they most often result from errors by prosecution, correctional, or clerical staff, rather than decisions of the judges themselves.

Exceptional sentences

Sentences above or below the standard range, not specifically authorized as alternatives or mandated by law, are called exceptional sentences. Aggravated exceptional sentences (above the range) may be as high as the statutory maximum

¹³ The definition of aggravated first-degree murder, and the special sentencing proceeding applied to such cases, are in chapter 10.95 RCW. The standard range is shown in RCW 9.94A.310(1).

¹⁴ See RCW 9.94A.120(4).

¹⁵ The Act, known as "Three Strikes You're Out," was adopted by initiative in 1993. The "most serious offenses" that constitute "strikes" are defined in RCW 9.94A.030(23). The 1996 Legislature amended this section to impose a life sentence on the second conviction of a specified sex offense ("Two Strikes You're Out"; chapter 289, Laws of 1996). Because the judge must impose a life sentence on defendants found to be persistent offenders, these sentences are reported here as within the standard range.

term allowable for the crime.¹⁶ Mitigated exceptional sentences (below the range) may be as low as no imprisonment. Judges can impose exceptional sentences only if there are substantial and compelling reasons to sentence the offender above or below the standard range. The reasons justifying the judge's departure from the standard range must be set forth in written findings of fact and conclusions of law, filed with the Judgment and Sentence.¹⁷

The SRA includes an illustrative, non-exclusive list of aggravating and mitigating factors justifying exceptional sentences. The appellate courts have also upheld exceptional sentences for other reasons, and rejected sentences when the reasons were not found consistent with the purposes of the SRA.¹⁸ About 1.9 percent of all felony sentences, and 5.4 percent of the sentences in this report, are aggravated exceptionals (above the range). About 1.1 percent of all felony sentences, and 2.2 percent of those in this report, are mitigated exceptionals (below the range). A few sentences within the range are classified as exceptional sentences because the judge ordered the offender to meet conditions not normally authorized.¹⁹

Consecutive and concurrent sentencing

When a defendant is sentenced on the same date for more than one offense, the sentences must be served concurrently (at the same time), except for serious violent offenses, which must be served consecutively (one after the other). When sentences run concurrently, each conviction is counted as part of the offender's criminal history, so the sentence for the more serious offense is longer than it would be without the additional convictions.²⁰

FACTORS TO CONSIDER IN REVIEWING INFORMATION

Prosecutors' charging and plea negotiating practices

As the preceding description suggests, felony sentencing involves much more than the personal choices of individual judges. The judge is free to decide where within the standard range to set the defendant's term of confinement. But, in most cases, that range is determined by the charge of which the defendant was convicted and the defendant's criminal history.

¹⁶ Felonies are classified as class A, B, or C. For most felonies, the maximum possible sentence is life imprisonment for Class A, 10 years for Class B, and 5 years for Class C (RCW 9A.20.021). When the statute creating a felony does not provide a classification, the classification is based on the maximum term of imprisonment authorized for the first conviction: Class A if the term is 20 years or more, Class B if it is at least 8 but less than 20 years; Class C if it is less than 8 years (RCW 9.94A.035). When the statute creating a felony provides neither a classification nor a maximum sentence, it is presumed to be a Class B felony with a 10-year maximum sentence (RCW 9.92.010). Maximum sentences include fines as well as imprisonment.

¹⁷ See RCW 9.94A.120(2) and (3).

¹⁸ The illustrative list of reasons for exceptional sentences is at RCW 9.94A.390. A substantial body of case law has developed on the reasons that do and do not justify exceptional sentences.

¹⁹ These are reported here as sentences within the standard range because the confinement time is within the range.

²⁰ See RCW 9.94A.400 (Appendix C(4)) for the standards for concurrent and consecutive sentencing. "Serious violent offenses," sentenced consecutively to each other, are defined in RCW 9.94A.030 as murder 1 and 2, homicide by abuse, assault 1, kidnapping 1, rape 1, assault of a child 1, or attempts, solicitations, or conspiracies to commit these offenses.

State law includes standards to guide prosecutors' decisions about charging and plea agreements. However, these guidelines are only advisory.²¹ Although systematic studies have not been done, there are believed to be variations in the charging and plea negotiation practices and policies used by prosecutors in the state's 39 counties. This means that the same criminal conduct may result in different sentences for different defendants, depending on charging and plea disposition policies in different counties, and on negotiations and agreements between the prosecution and defense in particular cases.

For example, a judge might impose different sentences in different cases, involving the same criminal conduct by defendants with identical histories of prior convictions, as a result of any of the following types of plea agreement between the prosecutor and the defendant:

- The prosecutor reduced the charge in return for the defendant's plea of guilty, producing a sentence shorter than would have applied to the crime originally charged;
- The charge was not reduced, but the prosecutor recommended a shorter sentence in return for the defendant's plea of guilty to the same charge; or
- The charge was not reduced, but the prosecutor agreed not to file additional or more serious charges in return for the defendant's plea of guilty to the original charge. Such an agreement would result in a shorter sentence than if the defendant had been convicted of additional charges.

These differences in plea agreements might also produce the same sentences in cases where the defendants engaged in different criminal conduct. All the statistical information in this report should be viewed in light of these realities.

Judicial discretion and plea agreements

Washington's determinate sentencing system restricts judicial discretion, in most cases, to deciding what term of confinement to impose within the standard range and what other conditions to apply. After a defendant has been convicted of a specific offense, the judge holds a hearing where the prosecutor and defense counsel may make sentence recommendations. These recommendations are often based on a plea agreement.²² In most cases, the standard range for the term of confinement is determined by the offense the prosecutor has charged and by the offender's criminal history, which is a matter of record.

About 93.6 percent of felony convictions in Washington, and 84.4 percent of those included in this report, are based on pleas of guilty rather than trials. Most defendants who plead guilty do so as part of an agreement that will affect the sentence they

²¹ See RCW 9.94A.430-460 (Appendix C(6)).

²² RCW 9.94A.080 authorizes such negotiations and agreements. See Appendix C(5).

receive. That agreement is with the prosecutor, not with the judge. In fact, judges are prohibited from taking part in plea negotiations.²³ Judges are not bound by sentencing recommendations based on plea agreements, but they have the authority to reject plea agreements only where the judge finds that the agreement is not consistent with the interests of justice.²⁴

Prosecutors' recommendations

Initiative 159 requires that, when an exceptional sentence is imposed above or below the standard range, the Judgment and Sentence must indicate whether “a similar sentence” was recommended by the prosecutor.²⁵ This information was not available on all J&S documents received by the Commission, sometimes because the prosecutor chose not to make a recommendation. In cases where the J&S showed that the prosecutor recommended a similar sentence, the recommendation was for the type of sentence given, not necessarily the specific sentence. For example, a prosecutor might have recommended an exceptional sentence of a certain length, but not of the length actually imposed.

Judges' workloads

The Superior Courts in different counties divide judicial workloads in different ways. Some judges are assigned to certain types of felony cases, others to other types of felonies or to different kinds of cases altogether. Assignment patterns in large counties, where there may be dozens of judges, differ from those in small counties, where there are only one or two. These assignment patterns can produce different sentencing patterns based on the kinds of cases assigned, not the choices the judges make.

Limitations of the data

The sentencing practices described in this report apply to the crimes designated for reporting in Initiative 159 and listed in Appendix B. These crimes are more severe than most other felonies, and usually carry more severe sentences. Therefore this report does not reflect sentencing practices for all felonies.

Statistics are particularly difficult to interpret when they apply to a very small number of cases. Many judges sentenced only a few people because they spent most of the year hearing civil cases, working in other stages of criminal case processing, or fulfilling administrative responsibilities. The number of sentences a judge imposed does not reflect that judge's overall workload or performance.

This report displays sentences in months of imprisonment, rounding to the nearest whole month. Therefore sentences of less than 15 days appear as “0” even if they included up to two weeks in jail.

²³ See RCW 9.94A.080 (Appendix C(5)).

²⁴ See RCW 9.94A.090 (Appendix C(5)).

²⁵ RCW 9.94A.105(4) (Appendix A).

HOW TO READ THE TABLES

County: Counties are listed alphabetically, showing all the sentences imposed in each county and included in this report, grouped by judge. The judges listed for each county may include visiting judges for other counties, who are also listed under the counties where they normally sit.

Name of judge: The cases reported under the judge's name are all those in which the judge imposed a felony sentence for an offense required to be included in this report, in the county where the sentence was imposed. This report includes all regular and pro tem judges of the Superior Court who imposed such sentences during the report period. If a judge is not listed in the tables, he or she did not impose any sentences subject to this report in the period covered.

Type of sentence:

- **Total Number of I-159 Reportable Sentences:** The number of sentences imposed by the judge during the report period for any of the offenses listed in Appendix B, required to be reported under RCW 9.94A.105. The percentages shown in the categories described below may not add to 100 due to rounding.
- **Sentences Within Standard Range:** The number and percentage of reported sentences that were within the standard or presumptive range, based on the offense and the offender's criminal history, using the sentencing grid. In some cases the standard range was modified or suspended under one of the authorized sentencing alternatives (see Appendix D). Standard-range sentences also include life sentences for persistent offenders and life or death sentences for aggravated first degree murder. Sentences based on erroneous calculation of the standard range or outdated penalties may be included.
- **Aggravated Exceptional Sentences:** The number and percentage of reported sentences that were above the standard range, based on substantial and compelling reasons stated in writing by the judge.
- **Mitigated Exceptional Sentences:** The number and percentage of reported sentences that were below the standard range, based on substantial and compelling reasons stated in writing by the judge.

Aggravated/Mitigated Exceptional Sentences Detail:

- **County:** The county in which the case was filed and the judge imposed the sentence. Some judges serve in more than one county, either because counties have combined their Superior Court systems or because judges serve as visiting judges in different counties to hear particular cases.
- **Cause #:** The number of the case as filed in the county clerk's office. This is a unique identifying number (within the county) that can be used to retrieve the original Judgment and Sentence and other documents filed in the case.
- **Most Serious Current Offense:** The most serious offense for which the offender was sentenced. Some offenders are sentenced at the same time for multiple offenses, with the sentences running either concurrently or consecutively, depending on the offenses involved.²⁶
- **Actual Sentence:** The term of confinement imposed, in months. This is the amount of time the offender will spend in jail or prison, minus earned early release credit.²⁷ Because the sentences are rounded to the nearest whole month, sentences up to two weeks in jail would appear as "0."
- **Standard Range; Min.-Max.:** The range of months of confinement within which the standard sentence range would fall, based on the offense of conviction and the offender's criminal history.
- **Prosecutor Recommended Similar Sentence:** Whether or not the prosecutor recommended the same type of exceptional sentence the judge imposed, based on the information provided in the Judgment and Sentence document. The designation "n.a." means the J&S did not indicate whether or not the prosecutor recommended a similar sentence.
- **Reasons for Exceptional Sentence:** The reasons, shown in the findings of fact and conclusions of law filed with the J&S, for the court's decision to impose the exceptional sentence. These are categories of reasons that have been used in the Commission's statistical reports, rather than verbatim quotations from the court documents. The findings and conclusions, including the exact language used by the court, are on file in the county clerk's office.

²⁶ See RCW 9.94A.400 (Appendix C(4)) for standards governing whether sentences run concurrently or consecutively, and how multiple offenses affect the offender's criminal history for purposes of determining the standard range.

²⁷ See note 8 above and RCW 9.94A.150.

Table 19.

SRA Sentences by County and Judge: I-159 Sentences Only

Adams County

Miller, Richard W.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	13	
Sentences Within Standard Range:	11	85%
Aggravated Exceptional Sentences:	1	8%
Mitigated Exceptional Sentences:	1	8%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
96-1-00031-1	ASSAULT OF A CHILD 2	15	31 - 41	Recommended Mitigated Exceptional	All parties agreed to mitigated sentence.
96-1-00053-1	POSS OF MACH GUN OR SHORT BARREL SHOTGUN	29	0 - 12	Recommended Aggravated Exceptional	Defendant agreed to prison, greater sentence, or treatment.

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

Asotin County

Lyden, John M.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	6	
Sentences Within Standard Range:	6	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Benton County

Brown, Carolyn A.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	12	
Sentences Within Standard Range:	11	92%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	1	8%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
96-1-00103-5	RAPE 3	6	12 - 14	Recommended Mitigated Exceptional	All parties agreed to mitigated sentence. Victim or family requests lower sentence.

Matheson, Craig J.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	10	
Sentences Within Standard Range:	10	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

Benton County

Raekes, Phil

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	12	
Sentences Within Standard Range:	12	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Taber, Duane E.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	9	
Sentences Within Standard Range:	9	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Benton County

Yule, Dennis D.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	18	
Sentences Within Standard Range:	17	94%
Aggravated Exceptional Sentences:	1	6%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
96-1-00090-0	MANSLAUGHTER 1	60	31 - 41	Recommended Aggravated Exceptional	Deliberate cruelty to the victim. Victim was particularly vulnerable. Multiple victims or multiple incidents per victim (not an economic offense).

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

Chelan County

Bridges, John E.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	20	
Sentences Within Standard Range:	19	95%
Aggravated Exceptional Sentences:	1	5%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-00379-7	UNLAWFUL POSSESSION OF FIREARM (PRE 7/23/95)	Year + Day	9 - 12	n.a.	Defendant agreed to prison, greater sentence, or treatment.

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Chelan County

Small, Ted W.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	7	
Sentences Within Standard Range:	5	71%
Aggravated Exceptional Sentences:	1	14%
Mitigated Exceptional Sentences:	1	14%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-00224-3	ASSAULT 2 (POST 7/1/88)	6	12 - 14	Recommended Mitigated Exceptional	Assisted law enforcement/agreed to help in prosecution of codefendant. Other mitigating factor.
95-1-00150-6	CHILD MOLESTATION 1 (POST 7/90)	396	149 - 198	n.a.	Victim was particularly vulnerable. The multiple offense policy results in a clearly lenient presumptive sent. Defendant was in a position of trust (not an economic or drug offense). Multiple victims or multiple incidents per victim (not an economic offense). Part of an ongoing pattern of sexual abuse of the same victim under 18.

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Chelan County

Wardell, Carol A.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	16	
Sentences Within Standard Range:	14	88%
Aggravated Exceptional Sentences:	2	13%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-00546-3	ASSAULT 2 (POST 7/1/88)	12	3 - 9	Recommended Aggravated Exceptional	Defendant agreed to prison, greater sentence, or treatment.
95-1-00609-5	ASSAULT 2 (POST 7/1/88)	12	3 - 9	Recommended Aggravated Exceptional	Defendant agreed to prison, greater sentence, or treatment.

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

Clallam County

Haberly, M. Karlynn

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	1	
Sentences Within Standard Range:	1	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Kamps, William J.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	1	
Sentences Within Standard Range:	1	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

Clallam County

Knebes, William G.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	2	
Sentences Within Standard Range:	2	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Roper, James D.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	3	
Sentences Within Standard Range:	3	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Clallam County

Williams, Kenneth D.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	6	
Sentences Within Standard Range:	5	83%
Aggravated Exceptional Sentences:	1	17%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-00300-1	CHILD MOLESTATION 1 (POST 7/90)	144	67 - 89	n.a.	Defendant is a threat to the community. Defendant is not amenable to treatment. Factors in criminal record. Defendant violated zone of privacy.

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Clallam County

Wood, George L. Jr.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	34	
Sentences Within Standard Range:	29	85%
Aggravated Exceptional Sentences:	5	15%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-00294-2	ARSON 1	70	31 - 41	Recommended Aggravated Exceptional	Seriousness of the offense/more egregious than the typical circumstances of the crime. The defendant's behavior constituted and act of random violence.
95-1-00296-9	ARSON 1	70	41 - 54	Recommended Aggravated Exceptional	Seriousness of the offense/more egregious than the typical circumstances of the crime. The defendant's behavior constituted and act of random violence.
95-1-00297-7	ARSON 1	70	31 - 41	Recommended Aggravated Exceptional	Seriousness of the offense/more egregious than the typical circumstances of the crime. The defendant's behavior constituted and act of random violence.
95-1-00299-3	ASSAULT 2 (POST 7/1/88) w Firearm	72	66 - 68	Recommended Aggravated Exceptional	The multiple offense policy results in a clearly lenient presumptive sent. Factors in criminal record.
95-1-00208-0	UNLAWFUL POSSESSION OF FIREARM (PRE 7/23/95)	Year + Day	4 - 12	Recommended Aggravated Exceptional	Defendant agreed to prison, greater sentence, or treatment. Factors in criminal record. Greater treatment available in prison/hospital.

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Clark County

Bennett, Roger A.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	27	
Sentences Within Standard Range:	22	81%
Aggravated Exceptional Sentences:	4	15%
Mitigated Exceptional Sentences:	1	4%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
96-1-00684-0	ASSAULT 2 (POST 7/1/88)	Year + Day	3 - 9	Recommended Aggravated Exceptional	Defendant agreed to prison, greater sentence, or treatment.
95-1-00939-5	INDECENT LIBERTIES-DD VICTIM (POST 7/90)	77	87 - 116	Did Not Recommend Mitigated Exceptional	Assisted law enforcement/agreed to help in prosecution of codefendant.
95-1-01217-5	RAPE 3	96	45 - 55	Recommended Aggravated Exceptional	Defendant agreed to prison, greater sentence, or treatment.
96-1-00125-2	UNLAWFUL POSSESSION OF FIREARM 2	Year + Day	4 - 12	Recommended Aggravated Exceptional	Defendant agreed to prison, greater sentence, or treatment.
96-1-00758-7	UNLAWFUL POSSESSION OF FIREARM 2	Year + Day	9 - 12	Recommended Aggravated Exceptional	Defendant agreed to prison, greater sentence, or treatment.

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Clark County

Harris, Robert L.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	30	
Sentences Within Standard Range:	24	80%
Aggravated Exceptional Sentences:	2	7%
Mitigated Exceptional Sentences:	4	13%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-00631-1	Attempted ASSAULT 1 (POST 7/1/90)	71	83 - 110	Recommended Mitigated Exceptional	All parties agreed to mitigated sentence.
95-1-01448-8	BURGLARY 2 (NONDWELLING - POST 7/90) w Firearm	36	37 - 39	Recommended Mitigated Exceptional	All parties agreed to mitigated sentence.
95-1-01844-1	CONTROLLED SUBST HOMICIDE (POST 7/89) - 1ST OFF	25	41 - 54	Recommended Mitigated Exceptional	All parties agreed to mitigated sentence.
95-1-00505-5	RAPE OF A CHILD 2 (POST 7/90)	335	149 - 198	Recommended Aggravated Exceptional	The multiple offense policy results in a clearly lenient presumptive sent. Defendant was in a position of trust (not an economic or drug offense). Multiple victims or multiple incidents per victim (not an economic offense).
95-1-00296-0	Attempted ROBBERY 2	7	10 - 13	n.a.	Other mitigating factor.
95-1-01358-9	UNLAWFUL POSSESSION OF FIREARM 2	18	12 - 16	Recommended Aggravated Exceptional	Defendant agreed to prison, greater sentence, or treatment.

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Clark County

Johnson, Barbara D.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	27	
Sentences Within Standard Range:	25	93%
Aggravated Exceptional Sentences:	2	7%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-01260-4	POSS OF MACH GUN OR SHORT BARREL SHOTGUN	Year + Day	0 - 12	Recommended Aggravated Exceptional	Defendant agreed to prison, greater sentence, or treatment.
95-1-01396-1	RAPE OF A CHILD 2 (POST 7/90)	144	77 - 102	Did Not Recommend Aggravated Exceptional	Victim was particularly vulnerable. Defendant was in a position of trust (not an economic or drug offense). Other aggravating factor.

Ladley, James D.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	22	
Sentences Within Standard Range:	20	91%
Aggravated Exceptional Sentences:	1	5%
Mitigated Exceptional Sentences:	1	5%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-00837-2	MURDER 1 (POST 7/1/90)	564	240 - 320	Recommended Aggravated Exceptional	Victim was particularly vulnerable. Other aggravating factor.
95-1-00905-1	RAPE OF A CHILD 1 (POST 7/90)	46	86 - 114	Did Not Recommend Mitigated Exceptional	Capacity to appreciate the wrongfulness was significantly impaired. The defendant's mental condition.

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Clark County

Lodge, Thomas L.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	47	
Sentences Within Standard Range:	44	94%
Aggravated Exceptional Sentences:	3	6%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-01008-3	POSS OF MACH GUN OR SHORT BARREL SHOTGUN	Year + Day	2 - 12	Recommended Aggravated Exceptional	Defendant agreed to prison, greater sentence, or treatment.
95-1-00394-0	RAPE OF A CHILD 1 (POST 7/90)	360	210 - 280	n.a.	The multiple offense policy results in a clearly lenient presumptive sent. Defendant was in a position of trust (not an economic or drug offense). Criminal history score greater than 9 points.
95-1-00602-7	RAPE OF A CHILD 1 (POST 7/90)	120	78 - 102	n.a.	Defendant was in a position of trust (not an economic or drug offense). Part of an ongoing pattern of sexual abuse of the same victim under 18.

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

Clark County

Poyfair, Edwin L.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	30	
Sentences Within Standard Range:	24	80%
Aggravated Exceptional Sentences:	6	20%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-01760-6	ASSAULT 1 (POST 7/1/90) w Deadly Weap	240	117 - 147	n.a.	Deliberate cruelty to the victim. Seriousness of the offense/more egregious than the typical circumstances of the crime. Sentence will promote respect for the law. The crime was gang related.
96-1-00194-5	CHILD MOLESTATION 1 (POST 7/90)	96	62 - 82	n.a.	Victim was particularly vulnerable. Defendant was in a position of trust (not an economic or drug offense). Part of an ongoing pattern of sexual abuse of the same victim under 18. The defendant threatened victim.
95-1-00978-6	INDECENT LIBERTIES-DD VICTIM (POST 7/90)	60	31 - 41	Recommended Aggravated Exceptional	Victim was particularly vulnerable. Part of an ongoing pattern of sexual abuse of the same victim under 18.
95-1-01548-4	MURDER 1 (POST 7/1/90) w Firearm	600	300 - 380	Recommended Aggravated Exceptional	Deliberate cruelty to the victim. Victim was particularly vulnerable. Defendant was in a position of trust (not an economic or drug offense). Multiple victims or multiple incidents per victim (not an economic offense). The defendant committed the offense to cover up other criminal behavior.
95-1-00836-4	RAPE 1 (POST 7/90)	144	95 - 125	n.a.	Deliberate cruelty to the victim.
95-1-01390-2	RAPE OF A CHILD 1 (POST 7/90)	120	78 - 102	n.a.	Victim was particularly vulnerable. Seriousness of the offense/more egregious than the typical circumstances of the crime. Defendant was in a position of trust (not an economic or drug offense). Injuries were greater than necessary for the crime. Defendant violated zone of privacy.

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

Columbia County

Lyden, John M.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	2	
Sentences Within Standard Range:	2	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Cowlitz County

Cox, Milton R.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	32	
Sentences Within Standard Range:	29	91%
Aggravated Exceptional Sentences:	3	9%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-00477-3	ASSAULT OF A CHILD 1	180	93 - 123	n.a.	Victim was particularly vulnerable. Defendant was in a position of trust (not an economic or drug offense).
96-1-00011-3	MANSLAUGHTER 1	96	31 - 41	Recommended Aggravated Exceptional	Deliberate cruelty to the victim. Victim was particularly vulnerable. Major economic offense - used position of trust, confidence, responsibility. Seriousness of the offense/more egregious than the typical circumstances of the crime. Defendant was in a position of trust (not an economic or drug offense).
96-1-00075-0	RAPE 1 (POST 7/90)	220	111 - 147	Recommended Aggravated Exceptional	Deliberate cruelty to the victim. Seriousness of the offense/more egregious than the typical circumstances of the crime. Multiple victims or multiple incidents per victim (not an economic offense). Injuries were greater than necessary for the crime. The defendant threatened victim.

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Cowlitz County

Furman, Randolph

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	30	
Sentences Within Standard Range:	25	83%
Aggravated Exceptional Sentences:	2	7%
Mitigated Exceptional Sentences:	3	10%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
96-1-00110-1	ASSAULT 2 (POST 7/1/88)	60	15 - 20	Did Not Recommend Aggravated Exceptional	Defendant is not amenable to treatment. Factors in criminal record. Excessive alcohol or drug use.
95-1-00220-7	UNLAWFUL POSSESSION OF FIREARM (PRE 7/23/95)	1	3 - 8	n.a.	Defendant's actions did not intend crime or harm.
95-1-00513-3	UNLAWFUL POSSESSION OF FIREARM (PRE 7/23/95)	3	9 - 12	Recommended Mitigated Exceptional	Capacity to appreciate the wrongfulness was significantly impaired. Defendant's actions did not intend crime or harm. Prison would be detrimental. Other mitigating factor. The defendant's mental condition.
95-1-00562-1	UNLAWFUL POSSESSION OF FIREARM (PRE 7/23/95)	Year + Day	9 - 12	Recommended Aggravated Exceptional	Defendant agreed to prison, greater sentence, or treatment. Excessive alcohol or drug use.
95-1-00634-3	UNLAWFUL POSSESSION OF FIREARM 1	8	21 - 27	Recommended Mitigated Exceptional	Other mitigating factor.

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Cowlitz County

Hinea, Ray W.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	1	
Sentences Within Standard Range:	1	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

McCulloch, Don L.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	13	
Sentences Within Standard Range:	11	85%
Aggravated Exceptional Sentences:	1	8%
Mitigated Exceptional Sentences:	1	8%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-00603-2	MANSLAUGHTER 1	48	31 - 41	n.a.	Victim was particularly vulnerable. Defendant was in a position of trust (not an economic or drug offense).
94-1-00535-6	MURDER 2 (POST 7/1/90)	60	123 - 164	n.a.	Victim was an initiator, willing participant, aggressor, or provoker. Crime committed under duress, coercion, threat, or compulsion. Offense is response to victim's abuse of defendant or defendant's children.

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Cowlitz County

Warne, James Edward F. Xavier

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	28	
Sentences Within Standard Range:	25	89%
Aggravated Exceptional Sentences:	3	11%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-00554-1	ASSAULT 2 (POST 7/1/88)	24	6 - 12	n.a.	Deliberate cruelty to the victim. The multiple offense policy results in a clearly lenient presumptive sent.
95-1-00702-1	ASSAULT 2 (POST 7/1/88)	36	3 - 9	Did Not Recommend Aggravated Exceptional	Deliberate cruelty to the victim. Victim was particularly vulnerable. The multiple offense policy results in a clearly lenient presumptive sent.
96-1-00289-2	ASSAULT 2 (POST 7/1/88)	36	3 - 9	Recommended Aggravated Exceptional	Victim was particularly vulnerable. The multiple offense policy results in a clearly lenient presumptive sent. Seriousness of the offense/more egregious than the typical circumstances of the crime. Defendant agreed to prison, greater sentence, or treatment. The crime was gang related.

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

Douglas County

Bridges, John E.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	6	
Sentences Within Standard Range:	6	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Small, Ted W.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	1	
Sentences Within Standard Range:	1	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

Douglas County

Wardell, Carol A.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	6	
Sentences Within Standard Range:	6	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

Ferry County

Kristianson, Larry M.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	7	
Sentences Within Standard Range:	6	86%
Aggravated Exceptional Sentences:	1	14%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-00042-8	CHILD MOLESTATION 2 (POST 7/90)	216	87 - 116	Recommended Aggravated Exceptional	Defendant was in a position of trust (not an economic or drug offense). Sophisticated and well planned methods (not an economic or drug offense). Part of an ongoing pattern of sexual abuse of the same victim under 18.

Stewart, Fred L.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	2	
Sentences Within Standard Range:	2	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

Franklin County

Brown, Carolyn A.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	10	
Sentences Within Standard Range:	9	90%
Aggravated Exceptional Sentences:	1	10%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-50369-1	MURDER 2 (POST 7/1/90)	384	144 - 192	Recommended Aggravated Exceptional	Seriousness of the offense/more egregious than the typical circumstances of the crime. Sophisticated and well planned methods (not an economic or drug offense). Multiple victims or multiple incidents per victim (not an economic offense). Factors in criminal record. Defendant violated zone of privacy.

Matheson, Craig J.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	10	
Sentences Within Standard Range:	10	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Franklin County

Raekes, Phil

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	9	
Sentences Within Standard Range:	9	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Taber, Duane E.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	11	
Sentences Within Standard Range:	10	91%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	1	9%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
96-1-50077-1	MURDER 2 (POST 7/1/90) w Deadly Weap	30	322 - 421	Did Not Recommend Mitigated Exceptional	Crime committed under duress, coercion, threat, or compulsion. With no apparent predisposition, was induced by others to participate. The multiple offense policy results in a clearly excessive presumptive sent. The defendant played an accomplice role.

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

Franklin County

Yule, Dennis D.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	4	
Sentences Within Standard Range:	4	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

Garfield County

Lyden, John M.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	1	
Sentences Within Standard Range:	1	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Grant County

Jorgensen, Kenneth L.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	28	
Sentences Within Standard Range:	27	96%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	1	4%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-00496-5	ASSAULT 1 (POST 7/1/90) w Deadly Weap	84	153 - 195	n.a.	Victim was an initiator, willing participant, aggressor, or provoker.

Sperline, Evan E.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	30	
Sentences Within Standard Range:	28	93%
Aggravated Exceptional Sentences:	1	3%
Mitigated Exceptional Sentences:	1	3%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-00744-1	ASSAULT 1 (POST 7/1/90)	24	93 - 123	Did Not Recommend Mitigated Exceptional	Crime committed under duress, coercion, threat, or compulsion.
95-1-00198-2	ROBBERY 2	Year + Day	6 - 12	Recommended Aggravated Exceptional	Deliberate cruelty to the victim. Injuries were greater than necessary for the crime.

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

Grays Harbor County

Foscue, David E.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	17	
Sentences Within Standard Range:	17	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Godfrey, Gordon

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	10	
Sentences Within Standard Range:	10	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Grays Harbor County

McCauley, F. Mark

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	14	
Sentences Within Standard Range:	12	86%
Aggravated Exceptional Sentences:	2	14%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-00416-7	MURDER 2 (POST 7/1/90)	778	257 - 342	n.a.	Victim was particularly vulnerable.
96-1-00191-3	UNLAWFUL POSSESSION OF FIREARM 2	Year + Day	9 - 12	Recommended Aggravated Exceptional	For defendant's rehabilitation or treatment, not in prison. Sentence will promote respect for the law.

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

Island County

Hancock, Alan R.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	6	
Sentences Within Standard Range:	6	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

McPherson, Joan H.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	3	
Sentences Within Standard Range:	3	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Jefferson County

Castleberry, Ronald L.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	1	
Sentences Within Standard Range:	0	0%
Aggravated Exceptional Sentences:	1	100%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
94-1-00095-6	ASSAULT 2 (POST 7/1/88)	36	3 - 9	Recommended Aggravated Exceptional	Victim was particularly vulnerable. Seriousness of the offense/more egregious than the typical circumstances of the crime. Multiple victims or multiple incidents per victim (not an economic offense). Injuries were greater than necessary for the crime.

Howard, William E.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	12	
Sentences Within Standard Range:	11	92%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	1	8%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-00111-0	ASSAULT 2 (POST 7/1/88)	2	3 - 9	Recommended Mitigated Exceptional	Crime committed under duress, coercion, threat, or compulsion.

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

Jefferson County

Majhan, Thomas J.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	1	
Sentences Within Standard Range:	1	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Thorpe, Richard J.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	1	
Sentences Within Standard Range:	1	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

Jefferson County

Williams, Kenneth D.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	1	
Sentences Within Standard Range:	1	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Wynne, Thomas J.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	1	
Sentences Within Standard Range:	1	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

King County

Aitken, Patricia H.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	41	
Sentences Within Standard Range:	38	93%
Aggravated Exceptional Sentences:	1	2%
Mitigated Exceptional Sentences:	2	5%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-08471-7	BURGLARY 1	200	87 - 116	Recommended Aggravated Exceptional	The multiple offense policy results in a clearly lenient presumptive sent. Seriousness of the offense/more egregious than the typical circumstances of the crime. Injuries were greater than necessary for the crime. Criminal history score greater than 9 points.
95-1-01056-0	THEFT OF A FIREARM (PRE 7/23/95)	12	12 - 14	Did Not Recommend Mitigated Exceptional	Confession before apprehension. Exceptional sentence is one day less than range. Defendant is remorseful.
95-1-04375-1	THEFT OF A FIREARM (PRE 7/23/95)	12	13 - 17	Recommended Mitigated Exceptional	Assisted law enforcement/agreed to help in prosecution of codefendant.

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

King County

Alsdorf, Robert H.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	21	
Sentences Within Standard Range:	21	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Alumbaugh, JoAnne

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	35	
Sentences Within Standard Range:	33	94%
Aggravated Exceptional Sentences:	2	6%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
96-1-01166-1	Attempted RAPE 2 (POST 7/90)	102	38 - 51	Did Not Recommend Aggravated Exceptional	No findings entered.
94-1-05066-1	RAPE 3	24	6 - 12	Did Not Recommend Aggravated Exceptional	Deliberate cruelty to the victim. Seriousness of the offense/more egregious than the typical circumstances of the crime. Multiple victims or multiple incidents per victim (not an economic offense). Injuries were greater than necessary for the crime. Conduct was premeditated.

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

King County

Brucker, Mary Wicks

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	23	
Sentences Within Standard Range:	20	87%
Aggravated Exceptional Sentences:	2	9%
Mitigated Exceptional Sentences:	1	4%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-04614-9	ASSAULT 2 (POST 7/1/88)	34	13 - 17	n.a.	Deliberate cruelty to the victim. Multiple victims or multiple incidents per victim (not an economic offense). A law enforcement officer was either the victim or injured as a result of the offense. The defendant committed the offense to cover up other criminal behavior.
95-1-02081-6	MURDER 1 (POST 7/1/90)	999	250 - 333	Recommended Aggravated Exceptional	Victim was particularly vulnerable. Defendant violated zone of privacy. The defendant committed the crime with sexual motivation.
95-1-01578-2	ROBBERY 2	6	13 - 17	Recommended Mitigated Exceptional	Assisted law enforcement/agreed to help in prosecution of codefendant.

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

King County

Darrah, John M.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	20	
Sentences Within Standard Range:	19	95%
Aggravated Exceptional Sentences:	1	5%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-04648-3	ASSAULT 2 (POST 7/1/88)	12	3 - 9	Did Not Recommend Aggravated Exceptional	Deliberate cruelty to the victim. Other aggravating factor.

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

King County

Downing, William L.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	44	
Sentences Within Standard Range:	41	93%
Aggravated Exceptional Sentences:	3	7%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-08574-8	ASSAULT 1 (POST 7/1/90) w Firearm	407	300 - 378	n.a.	The multiple offense policy results in a clearly lenient presumptive sent. Seriousness of the offense/more egregious than the typical circumstances of the crime. Criminal history score greater than 9 points. A law enforcement officer was either the victim or injured as a result of the offense. The defendant had a more culpable mental state than that required for the commission of the crime.
95-1-03249-1	MURDER 2 (POST 7/1/90)	240	123 - 164	n.a.	Victim was particularly vulnerable. Crime injured/harmed a person other than the victim.
95-1-03897-9	VEH HOMICIDE-DRUNK (6/30/94 - 6/5/96)	72	31 - 41	Recommended Aggravated Exceptional	Seriousness of the offense/more egregious than the typical circumstances of the crime. Multiple victims or multiple incidents per victim (not an economic offense). Excessive alcohol or drug use.

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

King County

DuBuque, Joan

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	46	
Sentences Within Standard Range:	45	98%
Aggravated Exceptional Sentences:	1	2%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-07039-2	ROBBERY 2	22	6 - 12	Recommended Aggravated Exceptional	Victim was particularly vulnerable.

Fleck, Deborah

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	2	
Sentences Within Standard Range:	2	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

King County

Fox, Michael J.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	3	
Sentences Within Standard Range:	2	67%
Aggravated Exceptional Sentences:	1	33%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
93-1-01249-3	ROBBERY 2	120	63 - 84	n.a.	The multiple offense policy results in a clearly lenient presumptive sent. Defendant is a threat to the community. Criminal history score greater than 9 points. The defendant threatened victim.

Gain, Brian D.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	2	
Sentences Within Standard Range:	2	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

King County

Haley, Donald D.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	42	
Sentences Within Standard Range:	39	93%
Aggravated Exceptional Sentences:	2	5%
Mitigated Exceptional Sentences:	1	2%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
94-1-04556-0	ASSAULT 2 (POST 7/1/88)	12	3 - 9	n.a.	The defendant committed the crime with sexual motivation.
95-1-03551-1	ASSAULT 2 (POST 7/1/88)	18	3 - 9	n.a.	Deliberate cruelty to the victim. Victim was particularly vulnerable. Seriousness of the offense/more egregious than the typical circumstances of the crime. The crime caused extreme emotional damage to the victim. The defendant's behavior constituted an act of random violence.
95-1-04128-7	MANSLAUGHTER 2	12	12 - 14	n.a.	Offense is response to victim's abuse of defendant or defendant's children.

Hayden, Michael

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	22	
Sentences Within Standard Range:	22	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

King County

Inveen, Laura

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	14	
Sentences Within Standard Range:	14	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Ireland, Faith Enyeart

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	7	
Sentences Within Standard Range:	7	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

King County

Ishikawa, Richard M.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	34	
Sentences Within Standard Range:	34	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

King County

Jones, Richard A.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	56	
Sentences Within Standard Range:	53	95%
Aggravated Exceptional Sentences:	3	5%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
94-C-07630-9	VEH ASSAULT (7/86 - 6/5/96)	108	60 - 60	n.a.	The multiple offense policy results in a clearly lenient presumptive sent. Seriousness of the offense/more egregious than the typical circumstances of the crime. Multiple victims or multiple incidents per victim (not an economic offense). Factors in criminal record. Injuries were greater than necessary for the crime.
94-C-07631-7	VEH ASSAULT (7/86 - 6/5/96)	108	53 - 60	n.a.	The multiple offense policy results in a clearly lenient presumptive sent. Seriousness of the offense/more egregious than the typical circumstances of the crime. Multiple victims or multiple incidents per victim (not an economic offense). Factors in criminal record. Injuries were greater than necessary for the crime.
95-1-05212-2	VEH ASSAULT (7/86 - 6/5/96)	28	12 - 14	n.a.	Seriousness of the offense/more egregious than the typical circumstances of the crime. Factors in criminal record. Injuries were greater than necessary for the crime. Defendant does not accept responsibility for actions, blames others.

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

King County

Jordan, Larry

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	13	
Sentences Within Standard Range:	10	77%
Aggravated Exceptional Sentences:	3	23%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-C-08120-3	ASSAULT 1 (POST 7/1/90)	400	231 - 307	Recommended Aggravated Exceptional	Deliberate cruelty to the victim. Victim was particularly vulnerable. Seriousness of the offense/more egregious than the typical circumstances of the crime. Multiple victims or multiple incidents per victim (not an economic offense). Injuries were greater than necessary for the crime.
95-C-08121-1	ASSAULT 1 (POST 7/1/90)	400	186 - 246	n.a.	Deliberate cruelty to the victim. Seriousness of the offense/more egregious than the typical circumstances of the crime. Multiple victims or multiple incidents per victim (not an economic offense). Injuries were greater than necessary for the crime. The crime caused extreme emotional damage to the victim.
95-1-00644-9	RAPE OF A CHILD 1 (POST 7/90)	272	102 - 136	n.a.	Victim was particularly vulnerable. Defendant was in a position of trust (not an economic or drug offense). Additional incidents which, if charged, would result in higher range.

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

King County

Juarez, Debora

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	8	
Sentences Within Standard Range:	8	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Lasnik, Robert S.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	1	
Sentences Within Standard Range:	1	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

King County

Lau, Linda

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	27	
Sentences Within Standard Range:	27	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Learned, J. Kathleen

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	31	
Sentences Within Standard Range:	30	97%
Aggravated Exceptional Sentences:	1	3%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-03751-4	RAPE 3	18	6 - 12	n.a.	Victim was particularly vulnerable. Defendant is a threat to the community. Greater treatment available in prison/hospital.

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

King County

MacInnes, Nicole K.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	12	
Sentences Within Standard Range:	12	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Martinez, Ricardo S.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	19	
Sentences Within Standard Range:	19	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

King County

Mattson, George T.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	41	
Sentences Within Standard Range:	39	95%
Aggravated Exceptional Sentences:	1	2%
Mitigated Exceptional Sentences:	1	2%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-06565-8	ASSAULT 2 (POST 7/1/88) w Firearm	84	51 - 56	Recommended Aggravated Exceptional	Defendant agreed to prison, greater sentence, or treatment.
95-C-01190-6	MANSLAUGHTER 1	16	31 - 41	n.a.	Victim was an initiator, willing participant, aggressor, or provoker.

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

King County

McCullough, LeRoy

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	45	
Sentences Within Standard Range:	43	96%
Aggravated Exceptional Sentences:	1	2%
Mitigated Exceptional Sentences:	1	2%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-08115-7	ASSAULT 2 (POST 7/1/88) w Deadly Weap	48	65 - 82	Did Not Recommend Mitigated Exceptional	Victim was an initiator, willing participant, aggressor, or provoker. To make frugal use of the state's resources. Defendant is making an effort to change criminal behavior or demonstrates a desire to do so. Defendant has community or family support.
95-1-04429-4	ROBBERY 2	192	63 - 84	n.a.	The multiple offense policy results in a clearly lenient presumptive sent. Factors in criminal record. Additional incidents which, if charged, would result in higher range. Criminal history score greater than 9 points.

Mertel, Charles W.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	1	
Sentences Within Standard Range:	1	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

King County

Niemi, Janice

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	38	
Sentences Within Standard Range:	37	97%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	1	3%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-C-04301-8	ROBBERY 1	12	31 - 41	n.a.	No findings entered.

Noe, James A.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	26	
Sentences Within Standard Range:	24	92%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	2	8%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
94-C-05281-7	MURDER 2 (POST 7/1/90)	72	123 - 164	n.a.	With no apparent predisposition, was induced by others to participate. The defendant's role was minor.
95-1-06198-9	ROBBERY 1 w Firearm	60	91 - 101	n.a.	Assisted law enforcement/agreed to help in prosecution of codefendant.

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

King County

Otero, Carmen

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	1	
Sentences Within Standard Range:	1	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Pasette, Sally Phillips

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	9	
Sentences Within Standard Range:	9	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

King County

Piehler, Arthur E.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	13	
Sentences Within Standard Range:	13	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Schapira, Carol A.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	2	
Sentences Within Standard Range:	2	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

King County

Schindler, Ann

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	23	
Sentences Within Standard Range:	21	91%
Aggravated Exceptional Sentences:	2	9%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
94-1-07284-2	Attempted MURDER 1 (POST 7/1/90) w Deadly Weap	315	208 - 272	n.a.	Seriousness of the offense/more egregious than the typical circumstances of the crime. Injuries were greater than necessary for the crime.
94-C-04294-3	MURDER 2 (POST 7/1/90)	328	123 - 164	Recommended Aggravated Exceptional	Seriousness of the offense/more egregious than the typical circumstances of the crime. Factors in criminal record. Defendant showed no remorse. Weapons were present. The defendant has a pattern of escalating violence.

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

King County

Scott, Steven G.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	34	
Sentences Within Standard Range:	33	97%
Aggravated Exceptional Sentences:	1	3%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-03761-1	ROBBERY 1 w Deadly Weap	240	153 - 195	Recommended Aggravated Exceptional	The multiple offense policy results in a clearly lenient presumptive sent. Defendant agreed to prison, greater sentence, or treatment. Additional incidents which, if charged, would result in higher range. Criminal history score greater than 9 points.

Sellers, Marilyn R.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	46	
Sentences Within Standard Range:	44	96%
Aggravated Exceptional Sentences:	1	2%
Mitigated Exceptional Sentences:	1	2%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-06240-3	MURDER 2 (POST 7/1/90)	60	134 - 178	Recommended Mitigated Exceptional	Victim was an initiator, willing participant, aggressor, or provoker. Crime committed under duress, coercion, threat, or compulsion.
95-C-07086-4	ROBBERY 1	71	31 - 41	Recommended Aggravated Exceptional	Deliberate cruelty to the victim. The defendant threatened victim.

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

King County

Tuai, Liem E.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	1	
Sentences Within Standard Range:	1	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Wartnik, Anthony P.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	1	
Sentences Within Standard Range:	1	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

King County

Wesley, R. Joseph

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	1	
Sentences Within Standard Range:	1	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

Kitsap County

Conoley, Karen B.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	24	
Sentences Within Standard Range:	24	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Costello, Leonard W.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	30	
Sentences Within Standard Range:	28	93%
Aggravated Exceptional Sentences:	2	7%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-01087-1	INCEST 1 (VICTIM UNDER AGE 14)	120	77 - 102	Recommended Aggravated Exceptional	Defendant is a threat to the community. Defendant agreed to prison, greater sentence, or treatment. Defendant was in a position of trust (not an economic or drug offense). Part of an ongoing pattern of sexual abuse of the same victim under 18.
96-1-00271-1	ROBBERY 1	60	31 - 41	Recommended Aggravated Exceptional	Defendant agreed to prison, greater sentence, or treatment.

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

Kitsap County

Haberly, M. Karlynn

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	26	
Sentences Within Standard Range:	26	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Kamps, William J.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	2	
Sentences Within Standard Range:	2	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Kitsap County

Kruse, Leonard W.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	3	
Sentences Within Standard Range:	3	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Roof, Jay B.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	14	
Sentences Within Standard Range:	12	86%
Aggravated Exceptional Sentences:	2	14%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-00832-0	ASSAULT 2 (POST 7/1/88)	48	15 - 20	Did Not Recommend Aggravated Exceptional	Victim was particularly vulnerable. Injuries were greater than necessary for the crime. Defendant violated zone of privacy.
95-1-00111-2	CHILD MOLESTATION 1 (POST 7/90)	270	51 - 68	Did Not Recommend Aggravated Exceptional	Defendant is a threat to the community. Defendant is not amenable to treatment. Defendant was in a position of trust (not an economic or drug offense). Multiple victims or multiple incidents per victim (not an economic offense). Factors in criminal record.

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

Kitsap County

Roper, James D.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	2	
Sentences Within Standard Range:	2	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Williams, Kenneth D.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	1	
Sentences Within Standard Range:	1	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Kittitas County

Cooper, Michael E.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	10	
Sentences Within Standard Range:	9	90%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	1	10%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-00171-7	RAPE 3	3	6 - 12	Recommended Mitigated Exceptional	Victim was an initiator, willing participant, aggressor, or provoker. With no apparent predisposition, was induced by others to participate.

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

Klickitat County

Reynolds, E. Thompson

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	9	
Sentences Within Standard Range:	9	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Shamek, E.B.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	1	
Sentences Within Standard Range:	1	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

Klickitat County

Taber, Duane E.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	1	
Sentences Within Standard Range:	1	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Lewis County

Draper, David R.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	20	
Sentences Within Standard Range:	19	95%
Aggravated Exceptional Sentences:	1	5%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-00086-4	BURGLARY 1 w Deadly Weap	60	39 - 45	Recommended Aggravated Exceptional	Seriousness of the offense/more egregious than the typical circumstances of the crime. Weapons were present. Other aggravating factor.

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Lewis County

Hall, H. John

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	32	
Sentences Within Standard Range:	22	69%
Aggravated Exceptional Sentences:	7	22%
Mitigated Exceptional Sentences:	3	9%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-00098-8	ASSAULT 2 (POST 7/1/88)	12	12 - 14	Did Not Recommend Mitigated Exceptional	Victim was an initiator, willing participant, aggressor, or provoker. Crime committed under duress, coercion, threat, or compulsion. Strong relationship between drug or alcohol addiction and criminal activity. The defendant's mental condition.
95-1-00237-9	ASSAULT 2 (POST 7/1/88)	Year + Day	6 - 12	Recommended Aggravated Exceptional	Defendant agreed to prison, greater sentence, or treatment.
96-1-00126-5	ASSAULT 2 (POST 7/1/88) w Deadly Weap	72	15 - 21	Recommended Aggravated Exceptional	Defendant agreed to prison, greater sentence, or treatment. Injuries were greater than necessary for the crime.
96-1-00127-3	ASSAULT 2 (POST 7/1/88) w Deadly Weap	27	15 - 21	Recommended Aggravated Exceptional	Defendant agreed to prison, greater sentence, or treatment. Injuries were greater than necessary for the crime.
95-1-00218-2	MURDER 1 (POST 7/1/90) w Deadly Weap	720	283 - 373	Recommended Aggravated Exceptional	Deliberate cruelty to the victim. Victim was particularly vulnerable. Factors in criminal record. Defendant showed no remorse. Excessive alcohol or drug use.
96-1-00029-3	RAPE 1 (POST 7/90)	150	78 - 102	Recommended Aggravated Exceptional	Deliberate cruelty to the victim. Seriousness of the offense/more egregious than the typical circumstances of the crime. Multiple victims or multiple incidents per victim (not an economic offense). Injuries were greater than necessary for the crime.
96-1-00058-7	Attempted RAPE 2 (POST 7/90)	110	81 - 108	Did Not Recommend Aggravated Exceptional	Defendant is a threat to the community. Factors in criminal record. Conduct was premeditated.
96-1-00040-4	ROBBERY 1	13	31 - 41	Recommended Mitigated Exceptional	Crime committed under duress, coercion, threat, or compulsion.
95-1-00301-4	UNLAWFUL POSSESSION OF FIREARM 2	Year + Day	9 - 12	Recommended Aggravated Exceptional	Continuing criminal activity after arrest or while on probation or parole.

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

Lewis County

96-1-00081-1	VEH ASSAULT (7/86 - 6/5/96)	12	12 - 14	Recommended Mitigated Exceptional	All parties agreed to mitigated sentence. Victim or family requests lower sentence. Defendant is employed, in school, or has had commendable employment record or military service. Defendant paid restitution or accepts responsibility for paying it.
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Hicks, Richard D.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	1	
Sentences Within Standard Range:	1	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

Lincoln County

Borst, Philip W.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	6	
Sentences Within Standard Range:	4	67%
Aggravated Exceptional Sentences:	2	33%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-00015-8	VEH ASSAULT (7/86 - 6/5/96)	Year + Day	6 - 12	Recommended Aggravated Exceptional	Defendant agreed to prison, greater sentence, or treatment.
95-1-00048-4	VEH ASSAULT (7/86 - 6/5/96)	Year + Day	3 - 9	Recommended Aggravated Exceptional	Victim was particularly vulnerable. Seriousness of the offense/more egregious than the typical circumstances of the crime. Multiple victims or multiple incidents per victim (not an economic offense). Other aggravating factor.

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Mason County

Sawyer, James B. II

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	23	
Sentences Within Standard Range:	16	70%
Aggravated Exceptional Sentences:	6	26%
Mitigated Exceptional Sentences:	1	4%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-00238-7	KIDNAPPING 1	96	62 - 82	n.a.	Deliberate cruelty to the victim. The defendant threatened victim.
95-1-00263-3	KIDNAPPING 1	36	51 - 68	n.a.	Offense principally accomplished by another, defendant caution or concern. The defendant's role was minor.
95-1-00266-8	KIDNAPPING 1	130	72 - 96	n.a.	Deliberate cruelty to the victim. Factors in criminal record.
95-1-00264-1	KIDNAPPING 2	25	13 - 17	Recommended Aggravated Exceptional	Defendant agreed to prison, greater sentence, or treatment.
95-1-00051-7	MURDER 1 (POST 7/1/90)	640	240 - 320	Recommended Aggravated Exceptional	Deliberate cruelty to the victim.
95-1-00052-5	MURDER 1 (POST 7/1/90)	640	250 - 333	Recommended Aggravated Exceptional	Deliberate cruelty to the victim.
95-1-00207-2	MURDER 1 (POST 7/1/90)	400	240 - 320	n.a.	Victim was particularly vulnerable.

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

Mason County

Sheldon, Toni A.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	9	
Sentences Within Standard Range:	9	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Okanogan County

Borst, Philip W.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	1	
Sentences Within Standard Range:	1	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Burchard, Jack

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	4	
Sentences Within Standard Range:	3	75%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	1	25%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-00118-0	UNLAWFUL POSSESSION OF FIREARM (PRE 7/23/95)	1	4 - 12	Did Not Recommend Mitigated Exceptional	Nature of the offense. Defendant's actions did not intend crime or harm.

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

Okanogan County

Cooper, Michael E.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	1	
Sentences Within Standard Range:	1	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Culp, Christopher E.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	9	
Sentences Within Standard Range:	9	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

Okanogan County

Jorgensen, Kenneth L.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	3	
Sentences Within Standard Range:	3	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Thomas, James R.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	2	
Sentences Within Standard Range:	2	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

Pacific County

Goelz, Douglas

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	1	
Sentences Within Standard Range:	1	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

Pacific County

Penoyar, Joel M.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	17	
Sentences Within Standard Range:	14	82%
Aggravated Exceptional Sentences:	3	18%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-00163-5	ASSAULT 2 (POST 7/1/88)	30	6 - 12	n.a.	Seriousness of the offense/more egregious than the typical circumstances of the crime. Defendant agreed to prison, greater sentence, or treatment. Factors in criminal record. Defendant showed no remorse.
95-1-00124-4	POSS OF A CS-OTHER, EXCEPT PCP w Deadly Weap	16	0 - 3	Recommended Aggravated Exceptional	Defendant agreed to prison, greater sentence, or treatment.
95-1-00157-1	VEH HOMICIDE-DRUNK (6/30/94 - 6/5/96)	180	77 - 102	n.a.	The multiple offense policy results in a clearly lenient presumptive sent. Defendant is a threat to the community. Seriousness of the offense/more egregious than the typical circumstances of the crime. Multiple victims or multiple incidents per victim (not an economic offense). Factors in criminal record.

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Pend Oreille County

Kristianson, Larry M.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	3	
Sentences Within Standard Range:	2	67%
Aggravated Exceptional Sentences:	1	33%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-00036-6	MURDER 1 (POST 7/1/90)	510	281 - 374	Recommended Aggravated Exceptional	Deliberate cruelty to the victim. Victim was particularly vulnerable.

Murphy, James M.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	1	
Sentences Within Standard Range:	1	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

Pend Oreille County

Stewart, Fred L.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	1	
Sentences Within Standard Range:	0	0%
Aggravated Exceptional Sentences:	1	100%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-00049-8	RAPE OF A CHILD 2 (POST 7/90)	120	62 - 82	Did Not Recommend Aggravated Exceptional	Part of an ongoing pattern of sexual abuse of the same victim under 18. The defendant threatened victim.

Table 19. [continued] SRA Sentences by County and Judge: I-159 Sentences Only

Pierce County

Anderson, Grant L.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	22	
Sentences Within Standard Range:	21	95%
Aggravated Exceptional Sentences:	1	5%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
96-1-00274-9	UNLAWFUL POSSESSION OF FIREARM 2	20	4 - 12	Recommended Aggravated Exceptional	Defendant agreed to prison, greater sentence, or treatment.

Armijo, Sergio

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	25	
Sentences Within Standard Range:	24	96%
Aggravated Exceptional Sentences:	1	4%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
96-1-00105-0	ASSAULT 1 (POST 7/1/90)	360	240 - 318	Recommended Aggravated Exceptional	Deliberate cruelty to the victim. Victim was particularly vulnerable. Multiple victims or multiple incidents per victim (not an economic offense). Injuries were greater than necessary for the crime. Criminal history score greater than 9 points.

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

Pierce County

Aubrey, Nile E.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	22	
Sentences Within Standard Range:	19	86%
Aggravated Exceptional Sentences:	2	9%
Mitigated Exceptional Sentences:	1	5%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-00529-4	ARSON 1	9	21 - 27	Recommended Mitigated Exceptional	Capacity to appreciate the wrongfulness was significantly impaired. The defendant's mental condition.
95-1-02782-4	BURGLARY 1	191	87 - 116	Recommended Aggravated Exceptional	Major economic offense involving multiple victims or multiple incidents. The multiple offense policy results in a clearly lenient presumptive sent. Criminal history score greater than 9 points.
95-1-05159-8	UNLAWFUL POSSESSION OF FIREARM 2	Year + Day	9 - 12	n.a.	No findings entered.

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Pierce County

Buckner, Rosanne

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	5	
Sentences Within Standard Range:	4	80%
Aggravated Exceptional Sentences:	1	20%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-03502-9	ASSAULT 2 (POST 7/1/88)	12	3 - 9	Recommended Aggravated Exceptional	Defendant agreed to prison, greater sentence, or treatment.

Cohoe, Bruce W.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	25	
Sentences Within Standard Range:	25	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Pierce County

Felnagle, Thomas

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	31	
Sentences Within Standard Range:	25	81%
Aggravated Exceptional Sentences:	5	16%
Mitigated Exceptional Sentences:	1	3%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-00026-8	ASSAULT 2 (POST 7/1/88)	30	12 - 14	Recommended Aggravated Exceptional	Defendant agreed to prison, greater sentence, or treatment.
95-1-03911-3	Solicitation ASSAULT 2 (POST 7/1/88)	12	2 - 7	Recommended Aggravated Exceptional	Deliberate cruelty to the victim. Defendant agreed to prison, greater sentence, or treatment.
95-1-03245-3	MURDER 2 (POST 7/1/90)	180	123 - 164	Recommended Aggravated Exceptional	Defendant agreed to prison, greater sentence, or treatment.
95-1-03864-8	ROBBERY 2	Year + Day	6 - 12	Recommended Aggravated Exceptional	Defendant agreed to prison, greater sentence, or treatment.
95-1-04807-4	UNLAWFUL POSSESSION OF FIREARM 1	16	36 - 48	Recommended Mitigated Exceptional	Defendant should be sentenced according to agreed range (clerical error).
95-1-01839-6	VEH HOMICIDE-DRUNK (6/30/94 - 6/5/96)	200	120 - 120	Recommended Aggravated Exceptional	The multiple offense policy results in a clearly lenient presumptive sent. Seriousness of the offense/more egregious than the typical circumstances of the crime. Factors in criminal record. Criminal history score greater than 9 points. Excessive alcohol or drug use.

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Pierce County

Fleming, Frederick W.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	24	
Sentences Within Standard Range:	24	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Hayes, Frederick B.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	19	
Sentences Within Standard Range:	15	79%
Aggravated Exceptional Sentences:	2	11%
Mitigated Exceptional Sentences:	2	11%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-05632-8	ASSAULT 2 (POST 7/1/88)	6	12 - 14	Recommended Mitigated Exceptional	Offense is response to victim's abuse of defendant or defendant's children. Defendant's age. No prior convictions or they are remote in time. Defendant's physical condition.
93-1-04365-3	MFG DEL P W/I HEROIN COCAINE	23	41 - 54	Recommended Mitigated Exceptional	All parties agreed to mitigated sentence.
95-1-00969-9	MURDER 1 (POST 7/1/90)	600	363 - 484	Recommended Aggravated Exceptional	Victim was particularly vulnerable. Defendant was in a position of trust (not an economic or drug offense).
95-1-01876-1	MURDER 1 (POST 7/1/90)	500	312 - 416	Did Not Recommend Aggravated Exceptional	Deliberate cruelty to the victim. Other aggravating factor. The defendant has a pattern of escalating violence.

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Pierce County

Hogan, Vicki L.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	32	
Sentences Within Standard Range:	31	97%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	1	3%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
94-1-01270-5	UNLAWFUL POSSESSION OF FIREARM (PRE 7/23/95)	9	12 - 16	Recommended Mitigated Exceptional	All parties agreed to mitigated sentence.

Sauriol, Thomas R.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	24	
Sentences Within Standard Range:	23	96%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	1	4%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-02396-9	KIDNAPPING 2	6	6 - 12	n.a.	No findings entered.

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Pierce County

Sebring, Terry D.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	21	
Sentences Within Standard Range:	20	95%
Aggravated Exceptional Sentences:	1	5%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-01406-4	UNLAWFUL POSSESSION OF FIREARM (PRE 7/23/95)	120	22 - 29	Recommended Aggravated Exceptional	Defendant agreed to prison, greater sentence, or treatment.

Steiner, D. Gary

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	20	
Sentences Within Standard Range:	18	90%
Aggravated Exceptional Sentences:	1	5%
Mitigated Exceptional Sentences:	1	5%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-02362-4	Attempted ASSAULT 2 (POST 7/1/88)	6	9 - 11	Recommended Mitigated Exceptional	All parties agreed to mitigated sentence.
95-1-02014-5	MURDER 1 (POST 7/1/90)	564	261 - 347	Recommended Aggravated Exceptional	The crime was gang related.

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Pierce County

Stone, Waldo F.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	40	
Sentences Within Standard Range:	39	97%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	1	3%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-02826-0	ROBBERY 2	1	3 - 9	Did Not Recommend Mitigated Exceptional	No findings entered.

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

Pierce County

Strombom, Karen L.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	20	
Sentences Within Standard Range:	17	85%
Aggravated Exceptional Sentences:	2	10%
Mitigated Exceptional Sentences:	1	5%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-00291-1	MFG DEL P W/I HEROIN COCAINE w Deadly Weap	48	33 - 39	Recommended Aggravated Exceptional	Drug offense - quantity substantially larger than personal use (dealing). Drug offense - manufacture of controlled substances for use by others. Drug offense - offender occupied a high position in distribution hierarchy. Drug offense - high sophistication, planning, long time period, broad area. The multiple offense policy results in a clearly lenient presumptive sent.
95-1-03937-7	RECKLESS ENDANGERMENT 1 (POST 7/22/95)	13	26 - 34	Recommended Mitigated Exceptional	Defendant should be sentenced according to agreed range (clerical error). Other mitigating factor.
95-1-04085-5	UNLAWFUL POSSESSION OF FIREARM 2	Year + Day	9 - 12	Recommended Aggravated Exceptional	Defendant agreed to prison, greater sentence, or treatment.

Swayze, Thomas A. Jr.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	12	
Sentences Within Standard Range:	12	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

Pierce County

Thompson, Donald H.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	25	
Sentences Within Standard Range:	22	88%
Aggravated Exceptional Sentences:	2	8%
Mitigated Exceptional Sentences:	1	4%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-04018-9	ASSAULT 2 (POST 7/1/88)	13	6 - 12	Recommended Aggravated Exceptional	Other aggravating factor.
94-1-01424-4	HOMICIDE BY ABUSE (POST 7/1/90)	640	240 - 320	Recommended Aggravated Exceptional	Deliberate cruelty to the victim. Victim was particularly vulnerable. Defendant was in a position of trust (not an economic or drug offense). Multiple victims or multiple incidents per victim (not an economic offense).
94-1-00219-0	Attempted ROBBERY 2	9	9 - 11	Recommended Mitigated Exceptional	Exceptional Sentence is within the presumptive range. Deliberate cruelty to the victim. Defendant agreed to prison, greater sentence, or treatment.

Table 19. [continued] SRA Sentences by County and Judge: I-159 Sentences Only

Pierce County

Tollefson, Brian M.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	22	
Sentences Within Standard Range:	21	95%
Aggravated Exceptional Sentences:	1	5%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-00292-9	MFG DEL P W/I HEROIN COCAINE w Deadly Weap	120	79 - 101	Recommended Aggravated Exceptional	Drug offense - quantity substantially larger than personal use (dealing). Drug offense - manufacture of controlled substances for use by others. Drug offense - offender occupied a high position in distribution hierarchy. Drug offense - high sophistication, planning, long time period, broad area.

Verharen, Arthur W.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	11	
Sentences Within Standard Range:	10	91%
Aggravated Exceptional Sentences:	1	9%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-04889-9	VEH HOMICIDE-DRUNK (6/30/94 - 6/5/96)	163	77 - 102	Did Not Recommend Aggravated Exceptional	The multiple offense policy results in a clearly lenient presumptive sent. Multiple victims or multiple incidents per victim (not an economic offense). Other aggravating factor.

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

San Juan County

McPherson, Joan H.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	1	
Sentences Within Standard Range:	1	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

Skagit County

McIntosh, George E.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	13	
Sentences Within Standard Range:	13	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Rickert, Michael E.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	26	
Sentences Within Standard Range:	22	85%
Aggravated Exceptional Sentences:	4	15%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-00216-1	ASSAULT OF A CHILD 1	142	93 - 123	Recommended Aggravated Exceptional	Victim was particularly vulnerable.
96-1-00145-6	BURGLARY 1	120	57 - 75	Recommended Aggravated Exceptional	Deliberate cruelty to the victim. Victim was particularly vulnerable. Defendant agreed to prison, greater sentence, or treatment.
96-1-00096-4	RAPE 3	20	13 - 17	Recommended Aggravated Exceptional	Deliberate cruelty to the victim.
96-1-00026-3	ROBBERY 2	Year + Day	6 - 12	Recommended Aggravated Exceptional	Defendant agreed to prison, greater sentence, or treatment.

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Skamania County

Harris, Robert L.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	1	
Sentences Within Standard Range:	0	0%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	1	100%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-00003-5	Attempted ASSAULT 2 (POST 7/1/88)	2	5 - 9	Did Not Recommend Mitigated Exceptional	No findings entered.

Reynolds, E. Thompson

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	13	
Sentences Within Standard Range:	13	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Snohomish County

Allendoerfer, James H.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	24	
Sentences Within Standard Range:	23	96%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	1	4%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
96-1-00216-4	ROBBERY 1 w Deadly Weap	36	55 - 65	Did Not Recommend Mitigated Exceptional	Before detection, the defendant compensated victim, or made effort.

Castleberry, Ronald L.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	30	
Sentences Within Standard Range:	29	97%
Aggravated Exceptional Sentences:	1	3%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
94-1-01673-8	MURDER 1 (POST 7/1/90)	896	411 - 548	Recommended Aggravated Exceptional	The multiple offense policy results in a clearly lenient presumptive sent. Criminal history score greater than 9 points.

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Snohomish County

Farris, Anita L.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	8	
Sentences Within Standard Range:	8	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Hansen, Paul D.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	14	
Sentences Within Standard Range:	13	93%
Aggravated Exceptional Sentences:	1	7%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-00186-1	RAPE OF A CHILD 1 (POST 7/90)	360	146 - 194	Recommended Aggravated Exceptional	Sophisticated and well planned methods (not an economic or drug offense). Multiple victims or multiple incidents per victim (not an economic offense). Defendant violated zone of privacy.

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Snohomish County

Hulbert, David F.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	15	
Sentences Within Standard Range:	13	87%
Aggravated Exceptional Sentences:	2	13%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-01285-4	BURGLARY 1	96	41 - 54	Did Not Recommend Aggravated Exceptional	Deliberate cruelty to the victim. The multiple offense policy results in a clearly lenient presumptive sent. Multiple victims or multiple incidents per victim (not an economic offense). Factors in criminal record. Defendant violated zone of privacy.
95-1-00102-0	RAPE OF A CHILD 1 (POST 7/90)	318	159 - 211	Did Not Recommend Aggravated Exceptional	Victim was particularly vulnerable. Defendant was in a position of trust (not an economic or drug offense).

Knight, Gerald L.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	23	
Sentences Within Standard Range:	23	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Snohomish County

Krese, Linda

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	15	
Sentences Within Standard Range:	15	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

McKeeman, Larry E.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	19	
Sentences Within Standard Range:	18	95%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	1	5%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
94-1-01556-1	ASSAULT 2 (POST 7/1/88) w Deadly Weap	9	15 - 21	Did Not Recommend Mitigated Exceptional	Victim was an initiator, willing participant, aggressor, or provoker.

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Snohomish County

Thibodeau, Joseph A.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	23	
Sentences Within Standard Range:	21	91%
Aggravated Exceptional Sentences:	2	9%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
91-1-00138-8	RAPE OF A CHILD 1 (POST 7/90)	360	210 - 280	n.a.	Victim was particularly vulnerable. Defendant is a threat to the community. Defendant is not amenable to treatment.
95-1-00981-1	RAPE OF A CHILD 2 (POST 7/90)	300	129 - 171	Recommended Aggravated Exceptional	Multiple victims or multiple incidents per victim (not an economic offense). Part of an ongoing pattern of sexual abuse of the same victim under 18.

Thorpe, Richard J.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	14	
Sentences Within Standard Range:	13	93%
Aggravated Exceptional Sentences:	1	7%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
96-1-00171-1	ASSAULT 2 (POST 7/1/88)	29	13 - 17	Recommended Aggravated Exceptional	Seriousness of the offense/more egregious than the typical circumstances of the crime. Factors in criminal record. The defendant has a pattern of escalating violence.

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Snohomish County

Trumbull, Kathryn E.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	26	
Sentences Within Standard Range:	25	96%
Aggravated Exceptional Sentences:	1	4%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-01070-3	RAPE 1 (POST 7/90) w Deadly Weap	600	314 - 390	Recommended Aggravated Exceptional	Deliberate cruelty to the victim. The multiple offense policy results in a clearly lenient presumptive sent. Multiple victims or multiple incidents per victim (not an economic offense). The crime caused extreme emotional damage to the victim. The defendant has a pattern of escalating violence.

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Snohomish County

Wynne, Thomas J.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	25	
Sentences Within Standard Range:	22	88%
Aggravated Exceptional Sentences:	2	8%
Mitigated Exceptional Sentences:	1	4%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-00776-1	BURGLARY 1	48	26 - 34	Did Not Recommend Aggravated Exceptional	The defendant committed the crime with sexual motivation.
94-1-01317-8	CHILD MOLESTATION 2 (POST 7/90)	12	15 - 20	Recommended Mitigated Exceptional	If given credit for good time, sentence is already served. To make frugal use of the state's resources.
93-1-00045-1	RAPE OF A CHILD 1 (PRE 7/90)	306	77 - 102	Recommended Aggravated Exceptional	Victim was particularly vulnerable. Defendant was in a position of trust (not an economic or drug offense). Multiple victims or multiple incidents per victim (not an economic offense).

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Spokane County

Austin, Robert D.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	20	
Sentences Within Standard Range:	19	95%
Aggravated Exceptional Sentences:	1	5%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-02164-7	ROBBERY 2	120	63 - 84	n.a.	The multiple offense policy results in a clearly lenient presumptive sent. Criminal history score greater than 9 points. Sentence will promote respect for the law.

Bastine, Paul A.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	13	
Sentences Within Standard Range:	13	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

Spokane County

Clarke, Harold D.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	4	
Sentences Within Standard Range:	4	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Donohue, Michael E.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	9	
Sentences Within Standard Range:	9	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

Spokane County

Eitzen, Tari

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	12	
Sentences Within Standard Range:	12	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Kato, Kenneth H.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	11	
Sentences Within Standard Range:	11	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

Spokane County

Kelly, Marcus M.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	1	
Sentences Within Standard Range:	1	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Merryman, Thomas E.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	25	
Sentences Within Standard Range:	25	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Spokane County

Murphy, James M.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	8	
Sentences Within Standard Range:	7	88%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	1	13%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-02543-0	MANSLAUGHTER 1	1	31 - 41	n.a.	Crime committed under duress, coercion, threat, or compulsion. Capacity to appreciate the wrongfulness was significantly impaired.

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Spokane County

O'Connor, Kathleen M.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	34	
Sentences Within Standard Range:	31	91%
Aggravated Exceptional Sentences:	2	6%
Mitigated Exceptional Sentences:	1	3%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
96-1-00608-5	BURGLARY 1	67	31 - 41	Recommended Aggravated Exceptional	Defendant agreed to prison, greater sentence, or treatment.
96-1-00609-3	BURGLARY 1	61	26 - 34	Recommended Aggravated Exceptional	Defendant agreed to prison, greater sentence, or treatment.
95-1-00651-6	MURDER 2 (POST 7/1/90)	60	123 - 164	Did Not Recommend Mitigated Exceptional	Victim was an initiator, willing participant, aggressor, or provoker. No prior convictions or they are remote in time. Defendant poses no threat to the community.

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Spokane County

Rielly, Neil Q.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	14	
Sentences Within Standard Range:	13	93%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	1	7%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-01783-6	MANSLAUGHTER 1	12	31 - 41	Did Not Recommend Mitigated Exceptional	Capacity to appreciate the wrongfulness was significantly impaired. The multiple offense policy results in a clearly excessive presumptive sent. No prior convictions or they are remote in time. Defendant's physical condition. Relationship with the victim.

Schroeder, Richard J.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	14	
Sentences Within Standard Range:	14	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Stevens County

Kristianson, Larry M.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	9	
Sentences Within Standard Range:	8	89%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	1	11%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
96-1-00040-4	POSS OF A STOLEN FIREARM	0	6 - 12	Recommended Mitigated Exceptional	All parties agreed to mitigated sentence.

Stewart, Fred L.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	4	
Sentences Within Standard Range:	2	50%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	2	50%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-00065-1	RECKLESS ENDANGERMENT 1 (POST 7/22/95)	0	15 - 20	Recommended Mitigated Exceptional	All parties agreed to mitigated sentence.
95-1-00098-8	UNLAWFUL POSSESSION OF FIREARM 1	Year + Day	21 - 27	Recommended Mitigated Exceptional	All parties agreed to mitigated sentence.

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

Thurston County

Berschauer, Daniel J.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	4	
Sentences Within Standard Range:	4	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Casey, Paula

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	23	
Sentences Within Standard Range:	21	91%
Aggravated Exceptional Sentences:	2	9%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-01460-1	BURGLARY 1	50	26 - 34	Recommended Aggravated Exceptional	Victim was particularly vulnerable. Defendant violated zone of privacy.
95-1-01611-5	MANSLAUGHTER 1	65	31 - 41	Recommended Aggravated Exceptional	The crime was gang related.

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Thurston County

Hicks, Richard D.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	20	
Sentences Within Standard Range:	17	85%
Aggravated Exceptional Sentences:	2	10%
Mitigated Exceptional Sentences:	1	5%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-01780-4	ASSAULT 2 (POST 7/1/88)	2	3 - 9	Did Not Recommend Mitigated Exceptional	Victim was an initiator, willing participant, aggressor, or provoker. Defendant is remorseful. Victim or family requests lower sentence. No prior convictions or they are remote in time. Defendant poses no threat to the community.
95-1-01683-2	Attempted KIDNAPPING 1	60	38 - 51	Did Not Recommend Aggravated Exceptional	Deliberate cruelty to the victim.
95-1-01627-1	MANSLAUGHTER 1	78	31 - 41	Recommended Aggravated Exceptional	Continuing criminal activity after arrest or while on probation or parole. The crime was gang related.

McCauley, F. Mark

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	1	
Sentences Within Standard Range:	1	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Thurston County

McPhee, Wm. Thomas

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	23	
Sentences Within Standard Range:	21	91%
Aggravated Exceptional Sentences:	1	4%
Mitigated Exceptional Sentences:	1	4%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
94-1-01117-4	ASSAULT 2 (POST 7/1/88) w Deadly Weap	Year + Day	15 - 21	Did Not Recommend Mitigated Exceptional	Crime committed under duress, coercion, threat, or compulsion. Exceptional sentence is more appropriate/is in the interests of justice. Nature of the offense.
95-1-00782-5	RAPE OF A CHILD 1 (POST 7/90)	240	146 - 194	Did Not Recommend Aggravated Exceptional	Defendant was in a position of trust (not an economic or drug offense). Multiple victims or multiple incidents per victim (not an economic offense). Part of an ongoing pattern of sexual abuse of the same victim under 18.

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Thurston County

Pomeroy, Christine, A.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	29	
Sentences Within Standard Range:	28	97%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	1	3%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-01992-1	MANSLAUGHTER 1	12	31 - 41	Recommended Mitigated Exceptional	Victim was an initiator, willing participant, aggressor, or provoker. Crime committed under duress, coercion, threat, or compulsion. The defendant's mental condition.

Stone, Waldo F.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	1	
Sentences Within Standard Range:	1	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

Thurston County

Strophy, Richard A.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	26	
Sentences Within Standard Range:	26	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

Wahkiakum County

Penoyar, Joel M.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	2	
Sentences Within Standard Range:	2	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Walla Walla County

Reser, Yancey

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	6	
Sentences Within Standard Range:	4	67%
Aggravated Exceptional Sentences:	2	33%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-00233-9	ASSAULT 2 (POST 7/1/88)	60	3 - 9	Recommended Aggravated Exceptional	Deliberate cruelty to the victim.
95-1-00040-9	MURDER 1 (POST 7/1/90)	760	480 - 640	n.a.	Deliberate cruelty to the victim.

Schacht, Donald W.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	20	
Sentences Within Standard Range:	18	90%
Aggravated Exceptional Sentences:	1	5%
Mitigated Exceptional Sentences:	1	5%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
96-1-00090-3	ASSAULT OF A CHILD 2	65	31 - 41	Recommended Aggravated Exceptional	Deliberate cruelty to the victim. Victim was particularly vulnerable. Defendant was in a position of trust (not an economic or drug offense).
95-1-00155-3	UNLAWFUL POSSESSION OF FIREARM (PRE 7/23/95)	1	3 - 8	n.a.	Crime committed under duress, coercion, threat, or compulsion. Defendant's actions did not intend crime or harm.

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

Whatcom County

Moynihan, Michael F.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	13	
Sentences Within Standard Range:	13	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Whatcom County

Mura, Steven J.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	36	
Sentences Within Standard Range:	30	83%
Aggravated Exceptional Sentences:	4	11%
Mitigated Exceptional Sentences:	2	6%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
94-1-01042-8	ARSON 1	12	21 - 27	n.a.	No findings entered.
95-1-00591-1	ASSAULT 2 (POST 7/1/88)	Year + Day	3 - 9	n.a.	Victim was particularly vulnerable. Seriousness of the offense/more egregious than the typical circumstances of the crime. Injuries were greater than necessary for the crime.
95-1-00898-7	ASSAULT 2 (POST 7/1/88)	18	6 - 12	n.a.	Victim was particularly vulnerable. Multiple victims or multiple incidents per victim (not an economic offense). Crime injured/harmed a person other than the victim. The defendant played a leadership role in the commission of the crime. The defendant's behavior constituted and act of random violence.
96-1-00047-0	ASSAULT 2 (POST 7/1/88)	2	3 - 9	Recommended Mitigated Exceptional	No prior convictions or they are remote in time. No injury to the victim. The defendant's mental condition.
95-1-00457-4	INCEST 1 (VICTIM UNDER AGE 14)	120	77 - 102	n.a.	Victim was particularly vulnerable. Multiple victims or multiple incidents per victim (not an economic offense). Part of an ongoing pattern of sexual abuse of the same victim under 18.
95-1-00776-0	VEH ASSAULT (7/86 - 6/5/96)	14	6 - 12	n.a.	Injuries were greater than necessary for the crime.

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Whatcom County

Nichols, David A.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	10	
Sentences Within Standard Range:	9	90%
Aggravated Exceptional Sentences:	1	10%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-00480-9	MURDER 1 (POST 7/1/90)	720	333 - 443	n.a.	Crime injured/harmed a person other than the victim.

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

Whitman County

Friel, Wallis W.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	6	
Sentences Within Standard Range:	6	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Lyden, John M.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	1	
Sentences Within Standard Range:	1	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Yakima County

Brown, Stephen M.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	34	
Sentences Within Standard Range:	31	91%
Aggravated Exceptional Sentences:	1	3%
Mitigated Exceptional Sentences:	2	6%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-00420-8	ASSAULT 2 (POST 7/1/88)	6	12 - 14	Recommended Mitigated Exceptional	All parties agreed to mitigated sentence.
95-1-01087-9	Conspiracy ASSAULT 2 (POST 7/1/88) w Deadly Weap	12	14 - 19	Recommended Mitigated Exceptional	All parties agreed to mitigated sentence. Assisted law enforcement/agreed to help in prosecution of codefendant.
95-1-01903-5	RAPE 1 (POST 7/90)	424	222 - 292	n.a.	Deliberate cruelty to the victim. Defendant is a threat to the community. Seriousness of the offense/more egregious than the typical circumstances of the crime. Multiple victims or multiple incidents per victim (not an economic offense). Factors in criminal record.

Cooper, Michael E.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	6	
Sentences Within Standard Range:	6	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

Yakima County

Gavin, F. James

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	20	
Sentences Within Standard Range:	17	85%
Aggravated Exceptional Sentences:	3	15%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
94-1-01930-4	ASSAULT 2 (POST 7/1/88) w Deadly Weap	48	24 - 26	Recommended Aggravated Exceptional	Defendant agreed to prison, greater sentence, or treatment.
95-1-01061-5	ASSAULT 2 (POST 7/1/88) w Deadly Weap	48	18 - 24	Recommended Aggravated Exceptional	Defendant agreed to prison, greater sentence, or treatment.
92-1-02009-8	RAPE OF A CHILD 1 (POST 7/90)	388	146 - 194	n.a.	Victim was particularly vulnerable. Defendant was in a position of trust (not an economic or drug offense). Sentence will promote respect for the law.

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Yakima County

Hackett, Robert N.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	31	
Sentences Within Standard Range:	28	90%
Aggravated Exceptional Sentences:	1	3%
Mitigated Exceptional Sentences:	2	6%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-01617-6	ASSAULT 2 (POST 7/1/88)	Year + Day	63 - 84	Recommended Mitigated Exceptional	All parties agreed to mitigated sentence.
95-1-00970-6	RAPE 1 (POST 7/90)	240	120 - 158	n.a.	Defendant violated zone of privacy. The crime caused extreme emotional damage to the victim. The defendant threatened victim.
96-1-00251-3	ROBBERY 2	12	12 - 14	Recommended Mitigated Exceptional	All parties agreed to mitigated sentence.

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

Yakima County

Hahn, Susan L.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	24	
Sentences Within Standard Range:	20	83%
Aggravated Exceptional Sentences:	3	13%
Mitigated Exceptional Sentences:	1	4%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-01482-3	RAPE OF A CHILD 1 (POST 7/90)	478	210 - 280	n.a.	The multiple offense policy results in a clearly lenient presumptive sent. Defendant was in a position of trust (not an economic or drug offense). Multiple victims or multiple incidents per victim (not an economic offense). Part of an ongoing pattern of sexual abuse of the same victim under 18.
96-1-00439-7	ROBBERY 1	70	36 - 48	Did Not Recommend Aggravated Exceptional	Victim was particularly vulnerable. The multiple offense policy results in a clearly lenient presumptive sent. Factors in criminal record. The defendant has a pattern of escalating violence.
95-1-01190-5	ROBBERY 2	12	12 - 14	Recommended Mitigated Exceptional	All parties agreed to mitigated sentence.
95-1-01782-2	ROBBERY 2	80	15 - 20	Recommended Aggravated Exceptional	Defendant agreed to prison, greater sentence, or treatment.

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Yakima County

Hanson, Bruce

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	1	
Sentences Within Standard Range:	0	0%
Aggravated Exceptional Sentences:	1	100%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-02011-4	UNLAWFUL POSSESSION OF FIREARM 2	Year + Day	9 - 12	Recommended Aggravated Exceptional	Defendant agreed to prison, greater sentence, or treatment.

Inouye, Robert

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	1	
Sentences Within Standard Range:	1	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Yakima County

Lara, Victor H.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	2	
Sentences Within Standard Range:	1	50%
Aggravated Exceptional Sentences:	1	50%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
96-1-00390-1	ASSAULT 2 (POST 7/1/88)	144	63 - 84	Recommended Aggravated Exceptional	Defendant agreed to prison, greater sentence, or treatment. Factors in criminal record. Criminal history score greater than 9 points.

Leavitt, Michael W.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	15	
Sentences Within Standard Range:	14	93%
Aggravated Exceptional Sentences:	1	7%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
94-1-01086-2	PROMOTING PROSTITUTION 1	360	108 - 120	n.a.	Multiple victims or multiple incidents per victim (not an economic offense). Other aggravating factor.

Table 19. [continued]

SRA Sentences by County and Judge: I-159 Sentences Only

Yakima County

Nelson, Rodney

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	3	
Sentences Within Standard Range:	2	67%
Aggravated Exceptional Sentences:	1	33%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
96-1-00110-0	ASSAULT 2 (POST 7/1/88) w Deadly Weap	36	15 - 21	Recommended Aggravated Exceptional	Defendant agreed to prison, greater sentence, or treatment.

Peters, Doug

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	1	
Sentences Within Standard Range:	1	100%
Aggravated Exceptional Sentences:	0	0%
Mitigated Exceptional Sentences:	0	0%

Table 19. [continued]
SRA Sentences by County and Judge: I-159 Sentences Only

Yakima County

Reynolds, E. Thompson

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	9	
Sentences Within Standard Range:	8	89%
Aggravated Exceptional Sentences:	1	11%
Mitigated Exceptional Sentences:	0	0%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
96-1-00383-8	ASSAULT 2 (POST 7/1/88)	Year + Day	6 - 12	Recommended Aggravated Exceptional	Defendant agreed to prison, greater sentence, or treatment.

VanNuys, Heather K.

Type of sentence	(N)	%
Total Number of I-159 Reportable Sentences:	25	
Sentences Within Standard Range:	23	92%
Aggravated Exceptional Sentences:	1	4%
Mitigated Exceptional Sentences:	1	4%

Aggravated/Mitigated Exceptional Sentences Detail:

Cause#	Most Serious Current Offense	Actual Sentence (Months)	Standard Range Min - Max (Months)	Prosecutor Recommendation	Reasons for Exceptional Sentence
95-1-02080-7	ASSAULT 2 (POST 7/1/88) w Firearm	96	39 - 45	Recommended Aggravated Exceptional	Defendant agreed to prison, greater sentence, or treatment.
96-1-00245-9	BURGLARY 1 w Firearm	74	86 - 94	Recommended Mitigated Exceptional	All parties agreed to mitigated sentence. Assisted law enforcement/agreed to help in prosecution of codefendant.

APPENDIX A: STATUTORY BASIS FOR JUDICIAL SENTENCING PRACTICES REPORT

RCW 9.94A.105 Judicial records for sentences of certain offenders. (1) A current, newly created or reworked judgment and sentence document for each felony sentencing shall record any and all recommended sentencing agreements or plea agreements and the sentences for any and all felony crimes kept as public records under RCW 9.94A.103 shall contain the clearly printed name and legal signature of the sentencing judge. The judgment and sentence document as defined in this section shall also provide additional space for the sentencing judge's reasons for going either above or below the presumptive sentence range for any and all felony crimes covered as public records under RCW 9.94A.103. Both the sentencing judge and the prosecuting attorney's office shall each retain or receive a completed copy of each sentencing document as defined in this section for their own records.

(2) The sentencing guidelines commission shall be sent a completed copy of the judgment and sentence document upon conviction for each felony sentencing under subsection (1) of this section and shall compile a yearly and cumulative judicial record of each sentencing judge in regards to his or her sentencing practices for any and all felony crimes involving:

- (a) Any violent offense as defined in this chapter;
- (b) Any most serious offense as defined in this chapter;
- (c) Any felony with any deadly weapon special verdict under RCW 9.94A.125;
- (d) Any felony with any deadly weapon enhancements under RCW 9.94A.310 (3) or (4), or both; and/or

(e) The felony crimes of possession of a machine gun, possessing a stolen firearm, reckless endangerment in the first degree, theft of a firearm, unlawful possession of a firearm in the first or second degree, and/or use of a machine gun in a felony.

(3) The sentencing guidelines commission shall compare each individual judge's sentencing practices to the standard or presumptive sentence range for any and all felony crimes listed in subsection (2) of this section for the appropriate offense level as defined in RCW 9.94A.320, offender score as defined in RCW 9.94A.360, and any applicable deadly weapon enhancements as defined in RCW 9.94A.310 (3) or (4), or both. These comparative records shall be retained and made available to the public for review in a current, newly created or reworked official published document by the sentencing guidelines commission.

(4) Any and all felony sentences which are either above or below the standard or presumptive sentence range in subsection (3) of this section shall also mark whether the prosecuting attorney in the case also recommended a similar sentence, if any, which was either above or below the presumptive sentence range and shall also indicate if the sentence was in conjunction with an approved alternative sentencing option including a first-time offender waiver, sex offender sentencing alternative, or other prescribed sentencing option.

(5) If any completed judgment and sentence document as defined in subsection (1) of this section is not sent to the sentencing guidelines commission as required in subsection (2) of this section, the sentencing guidelines commission shall have the authority and shall undertake reasonable and necessary steps to assure that all past, current, and future sentencing documents as defined in subsection (1) of this section are received by the sentencing guidelines commission. [1995 c 129 ' 6 (Initiative Measure No. 159).]

APPENDIX B: LIST OF I-159 REPORTABLE OFFENSES

Statute (RCW)	Offense	Class	Seriousness Level ²⁸
10.95.020	Aggravated Murder 1	A	XV
9A.48.020	Arson 1	A	VIII
9A.48.030	Arson 2	B	IV
9A.36.011	Assault 1	A	XII
9A.36.021	Assault 2	B	IV
9A.36.120	Assault of a Child 1	A	XII
9A.36.130	Assault of a Child 2	B	IX
9A.76.170(2)(a)	Bail Jump With Murder 1 Offense	A	VI
9A.52.020	Burglary 1	A	VII
9A.44.083	Child Molestation 1	A	X
9A.44.086	Child Molestation 2	B	VII
69.50.415	Controlled Substance Homicide	B	IX
70.74.280(1)	Damaging Building, etc., by Explosion With Threat to Human Being	A	X
70.74.270(1)	Endangering Life and Property by Explosives With Threat to Human Being	A	IX
70.74.180	Explosive Devices Prohibited (Possession of Explosive Device for Unlawful Purpose)	A	IX
9A.56.120	Extortion 1	B	V
9A.32.055	Homicide by Abuse	A	XIV
9A.64.020(1)	Incest 1 (Victim under the Age of 14)	B	VI
9A.64.020(2)	Incest 2 (Victim under the Age of 14)	C	V
9A.44.100(1)(a)	Indecent Liberties (With Forcible Compulsion)	B	IX
9A.44.100(1)(b),(c)	Indecent Liberties (Without Forcible Compulsion)	B	VII
9A.40.020	Kidnapping 1	A	X
9A.40.030	Kidnapping 2	B	V
9A.82.060(1)(a)	Leading Organized Crime	A	X
9.41.190	Machine Gun or Short-barreled Shotgun/Rifle Possession Prohibited	C	Unranked
81.60.070	Malicious Injury to Railroad Property	A	Unranked
9A.32.060	Manslaughter 1	B	IX
9A.32.070	Manslaughter 2	C	VI
9A.32.030	Murder 1	A	XIV
9A.32.050	Murder 2	A	XIII
9A.56.310	Possession of a Stolen Firearm	B	V

²⁸ See Appendix C(2).

Statute (RCW)	Offense	Class	Seriousness Level ²⁸
9.40.120	Possession of Incendiary Device	A	Unranked
9A.88.070	Promoting Prostitution 1	B	VIII
9A.44.040	Rape 1	A	XI
9A.44.050	Rape 2	A	X
9A.44.060	Rape 3	C	V
9A.44.073	Rape of a Child 1	A	XI
9A.44.076	Rape of a Child 2	A	X
9A.36.045	Reckless Endangerment 1	B	VII
9A.56.200	Robbery 1	A	IX
9A.56.210	Robbery 2	B	IV
9.68A.040	Sexual Exploitation	B	IX
9A.56.300	Theft of a Firearm	B	VI
9.82.010	Treason	A	Unranked
9.41.040(1)(a)	Unlawful Possession of a Firearm 1	B	VII
9.41.040(1)(b)	Unlawful Possession of a Firearm 2	C	III
9.41.225	Use of Machine Gun in Commission of Felony	A	Unranked
46.61.522	Vehicular Assault	B	IV
46.61.520(1)(a)	Vehicular Homicide by Being Under the Influence of Intoxicating Liquor or any Drug	A	IX
46.61.520(1)(c)	Vehicular Homicide by Disregard for the Safety of Others	A	VII
46.61.520(1)(b)	Vehicular Homicide by the Operation of any Vehicle in a Reckless Manner	A	VIII

Any criminal solicitation or criminal conspiracy to commit a Class A offense

Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a Most Serious Offense²⁹

Any felony attempt to commit any Most Serious Offense

Any other Class B felony offense with a finding of sexual motivation

Any other felony with a deadly weapon enhancement under RCW 9.94A.310(3) or (4), or both

Any other felony with a deadly weapon verdict under 9.94A.125

²⁹ A "Most Serious Offense" is a "strike" which results in a life sentence if preceded by other such offenses. See RCW 9.94A.030(23) and 9.94A.120(4).

APPENDIX C:
SELECTIONS FROM SENTENCING REFORM ACT

(1) FELONY SENTENCING GRID
(see following page)

RCW 9.94A.310(1) SENTENCING GRID
FOR CRIMES COMMITTED AFTER JUNE 30, 1990

SERIOUSNESS LEVEL	OFFENDER SCORE									
	0	1	2	3	4	5	6	7	8	9 or more
XV	Life Sentence without Parole/Death Penalty									
XIV	23y 4m 240 - 320	24y 4m 250 - 333	25y 4m 261 - 347	26y 4m 271 - 361	27y 4m 281 - 374	28y 4m 291 - 388	30y 4m 312 - 416	32y 10m 338 - 450	36y 370 - 493	40y 411 - 548
XIII	12y 123 - 164	13y 134 - 178	14y 144 - 192	15y 154 - 205	16y 165 - 219	17y 175 - 233	19y 195 - 260	21y 216 - 288	25y 257 - 342	29y 298 - 397
XII	9y 93 - 123	9y 11m 102 - 136	10y 9m 111 - 147	11y 8m 120 - 160	12y 6m 129 - 171	13y 5m 138 - 184	15y 9m 162 - 216	17y 3m 178 - 236	20y 3m 209 - 277	23y 3m 240 - 318
XI	7y 6m 78 - 102	8y 4m 86 - 114	9y 2m 95 - 125	9y 11m 102 - 136	10y 9m 111 - 147	11y 7m 120 - 158	14y 2m 146 - 194	15y 5m 159 - 211	17y 11m 185 - 245	20y 5m 210 - 280
X	5y 51 - 68	5y 6m 57 - 75	6y 62 - 82	6y 6m 67 - 89	7y 72 - 96	7y 6m 77 - 102	9y 6m 98 - 130	10y 6m 108 - 144	12y 6m 129 - 171	14y 6m 149 - 198
IX	3y 31 - 41	3y 6m 36 - 48	4y 41 - 54	4y 6m 46 - 61	5y 51 - 68	5y 6m 57 - 75	7y 6m 77 - 102	8y 6m 87 - 116	10y 6m 108 - 144	12y 6m 129 - 171
VIII	2y 21 - 27	2y 6m 26 - 34	3y 31 - 41	3y 6m 36 - 48	4y 41 - 54	4y 6m 46 - 61	6y 6m 67 - 89	7y 6m 77 - 102	8y 6m 87 - 116	10y 6m 108 - 144
VII	18m 15 - 20	2y 21 - 27	2y 6m 26 - 34	3y 31 - 41	3y 6m 36 - 48	4y 41 - 54	5y 6m 57 - 75	6y 6m 67 - 89	7y 6m 77 - 102	8y 6m 87 - 116
VI	13m 12+ - 14	18m 15 - 20	2y 21 - 27	2y 6m 26 - 34	3y 31 - 41	3y 6m 36 - 48	4y 6m 46 - 61	5y 6m 57 - 75	6y 6m 67 - 89	7y 6m 77 - 102
V	9m 6 - 12	13m 12+ - 14	15m 13 - 17	18m 15 - 20	2y 2m 22 - 29	3y 2m 33 - 43	4y 41 - 54	5y 51 - 68	6y 62 - 82	7y 72 - 96
IV	6m 3 - 9	9m 6 - 12	13m 12+ - 14	15m 13 - 17	18m 15 - 20	2y 2m 22 - 29	3y 2m 33 - 43	4y 2m 43 - 57	5y 2m 53 - 70	6y 2m 63 - 84
III	2m 1 - 3	5m 3 - 8	8m 4 - 12	11m 9 - 12	14m 12+ - 16	20m 17 - 22	2y 2m 22 - 29	3y 2m 33 - 43	4y 2m 43 - 57	5y 51 - 68
II	0 - 90 Days	4m 2 - 6	6m 3 - 9	8m 4 - 12	13m 12+ - 14	16m 14 - 18	20m 17 - 22	2y 2m 22 - 29	3y 2m 33 - 43	4y 2m 43 - 57
I	0 - 60 Days	0 - 90 Days	3m 2 - 5	4m 2 - 6	5m 3 - 8	8m 4 - 12	13m 12+ - 14	16m 14 - 18	20m 17 - 22	2y 2m 22 - 29

(2) SERIOUSNESS LEVELS OF OFFENSES

RCW 9.94A.320 Table 2—Crimes included within each seriousness level.

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XV	Aggravated Murder 1 (RCW 10.95.020)
XIV	Murder 1 (RCW 9A.32.030) Homicide by abuse (RCW 9A.32.055)
XIII	Murder 2 (RCW 9A.32.050)
XII	Assault 1 (RCW 9A.36.011) Assault of a Child 1 (RCW 9A.36.120)
XI	Rape 1 (RCW 9A.44.040) Rape of a Child 1 (RCW 9A.44.073)
X	Kidnapping 1 (RCW 9A.40.020) Rape 2 (RCW 9A.44.050) Rape of a Child 2 (RCW 9A.44.076) Child Molestation 1 (RCW 9A.44.083) Damaging building, etc., by explosion with threat to human being (RCW 70.74. 280(1)) Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 (RCW 69.50.406) Leading Organized Crime (RCW 9A.82.060(1)(a))
IX	Assault of a Child 2 (RCW 9A.36.130) Robbery 1 (RCW 9A.56.200) Manslaughter 1 (RCW 9A.32.060) Explosive devices prohibited (RCW 70.74.180) Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a)) Endangering life and property by explosives with threat to human being (RCW 70.74.270) Over 18 and deliver narcotic from Schedule III , IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406) Controlled Substance Homicide (RCW 69.50.415) Sexual Exploitation (RCW 9.68A.040) Inciting Criminal Profiteering (RCW 9A.82.060(1)(b)) Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
VIII	Arson 1 (RCW 9A.48.020) Promoting Prostitution 1 (RCW 9A.88.070) Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410) Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i)) Manufacture, deliver, or possess with intent to deliver methamphetamine (*RCW 69.50.401(a)(1)(ii)) Possession of ephedrine or pseudoephedrine with intent to manufacture metham phetamine (RCW 69.50.440) Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
VII	Burglary 1 (RCW 9A.52.020) Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520) Introducing Contraband 1 (RCW 9A.76.140) Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c)) Child Molestation 2 (RCW 9A.44.086) Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)

- Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
- Involving a minor in drug dealing (RCW 69.50.401(f))
- Reckless Endangerment 1 (RCW 9A.36.045)
- Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1) (a))
- VI Bribery (RCW 9A.68.010)
- Manslaughter 2 (RCW 9A.32.070)
- Rape of a Child 3 (RCW 9A.44.079)
- Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
- Damaging building, etc., by explosion with no threat to human being (RCW 70.74.280(2))
- Endangering life and property by explosives with no threat to human being (RCW 70.74.270)
- Incest 1 (RCW 9A.64.020(1))
- Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) (RCW 69.50.401(a)(1)(i))
- Intimidating a Judge (RCW 9A.72.160)
- Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))
- Theft of a Firearm (RCW 9A.56.300)
- V Persistent prison misbehavior (RCW 9.94.070)
- Criminal Mistreatment 1 (RCW 9A.42.020)
- Abandonment of dependent person 1 (RCW 9A.42.060)
- Rape 3 (RCW 9A.44.060)
- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
- Child Molestation 3 (RCW 9A.44.089)
- Kidnapping 2 (RCW 9A.40.030)
- Extortion 1 (RCW 9A.56.120)
- Incest 2 (RCW 9A.64.020(2))
- Perjury 1 (RCW 9A.72.020)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))
- Sexually Violating Human Remains (RCW 9A.44.105)
- Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))
- Possession of a Stolen Firearm (RCW 9A.5 6.310)
- IV Residential Burglary (RCW 9A.52.025)
- Theft of Livestock 1 (RCW 9A.56.080)
- Robbery 2 (RCW 9A.56.210)
- Assault 2 (RCW 9A.36.021)
- Escape 1 (RCW 9A.76.110)
- Arson 2 (RCW 9A.48.030)
- Commercial Bribery (RCW 9A.68.060)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Malicious Harassment (RCW 9A.36.080)
- Threats to Bomb (RCW 9.61.160)
- Willful Failure to Return from Furlough (RCW 72.66.060)
- Hit and Run – Injury Accident (RCW 46.52.020(4))
- Hit and Run with Vessel – Injury Accident (RCW 88.12.155(3))
- Vehicular Assault (RCW 46.61.522)
- Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana or methamphetamines) (RCW 69.50.401(a)(1) (iii) through (v))
- Influencing Outcome of Sporting Event (RCW 9A.82.070)

- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
- III
 - Criminal Mistreatment 2 (RCW 9A.42.030)
 - Abandonment of dependent person 2 (RCW 9A.42.070)
 - Extortion 2 (RCW 9A.56.130)
 - Unlawful Imprisonment (RCW 9A.40.040)
 - Assault 3 (RCW 9A.36.031)
 - Assault of a Child 3 (RCW 9A.36.140)
 - Custodial Assault (RCW 9A.36.100)
 - Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))
 - Harassment (RCW 9A.46.020)
 - Promoting Prostitution 2 (RCW 9A.88.080)
 - Willful Failure to Return from Work Release (RCW 72.65.070)
 - Burglary 2 (RCW 9A.52.030)
 - Introducing Contraband 2 (RCW 9A.76.15 0)
 - Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
 - Patronizing a Juvenile Prostitute (RCW 9.68A.100)
 - Escape 2 (RCW 9A.76.120)
 - Perjury 2 (RCW 9A.72.030)
 - Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))
 - Intimidating a Public Servant (RCW 9A.76.180)
 - Tampering with a Witness (RCW 9A.72.120)
 - Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))
 - Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))
 - Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))
 - Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
 - Theft of livestock 2 (RCW 9A.56.080)
 - Securities Act violation (RCW 21.20.400)
- II
 - Unlawful Practice of Law (RCW 2.48.180)
 - Malicious Mischief 1 (RCW 9A.48.070)
 - Possession of Stolen Property 1 (RCW 9A.56.150)
 - Theft 1 (RCW 9A.56.030)
 - Trafficking in Insurance Claims (RCW 48.30A.015)
 - Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
 - Health Care False Claims (RCW 48.80.030)
 - Possession of controlled substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.401(d))
 - Possession of phencyclidine (PCP) (RCW 69.50.401(d))
 - Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
 - Computer Trespass 1 (RCW 9A.52.110)
 - Escape from Community Custody (RCW 72.09.310)
- I
 - Theft 2 (RCW 9A.56.040)
 - Possession of Stolen Property 2 (RCW 9A.56.160)
 - Forgery (RCW 9A.60.020)
 - Taking Motor Vehicle Without Permission (RCW 9A.56.070)
 - Vehicle Prowl 1 (RCW 9A.52.095)
 - Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
 - Malicious Mischief 2 (RCW 9A.48.080)
 - Reckless Burning 1 (RCW 9A.48.040)
 - Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
 - Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
 - False Verification for Welfare (RCW 74.08.055)
 - Forged Prescription (RCW 69.41.020)
 - Forged Prescription for a Controlled Substance (RCW 69.50.403)

Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine) (RCW 69.50.401(d))

[1996 c 302 ' 6; 1996 c 205 ' 3; 1996 c 36 ' 2. Prior: 1995 c 385 ' 2; 1995 c 285 ' 28; 1995 c 129 ' 3 (Initiative Measure No. 159); prior: (1994 sp.s. c 7 ' 510 repealed by 1995 c 129 ' 19 (Initiative Measure No. 159)); 1994 c 275 ' 20; 1994 c 53 ' 2; prior: 1992 c 145 ' 4; 1992 c 75 ' 3; 1991 c 32 ' 3; 1990 c 3 ' 702; prior: 1989 2nd ex.s. c 1 ' 3; 1989 c 412 ' 3; 1989 c 405 ' 1; 1989 c 271 ' 102; 1989 c 99 ' 1; prior: 1988 c 218 ' 2; 1988 c 145 ' 12; 1988 c 62 ' 2; prior: 1987 c 224 ' 1; 1987 c 187 ' 4; 1986 c 257 ' 23; 1984 c 209 ' 17; 1983 c 115 ' 3.]

(3) CRIMINAL HISTORY SCORING RULES

RCW 9.94A.360 Offender score. The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.400.

(2) Except as provided in subsection (4) of this section, class A and sex prior felony convictions shall always be included in the offender score. Class B prior felony convictions other than sex offenses shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction. Class C prior felony convictions other than sex offenses shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without committing any crime that subsequently results in a conviction. Serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without committing any crime that subsequently results in a conviction. This subsection applies to both adult and juvenile prior convictions.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. Federal convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. If there is no clearly comparable offense under Washington law or the offense is one that is usually considered subject to exclusive federal jurisdiction, the offense shall be scored as a class C felony equivalent if it was a felony under the relevant federal statute.

(4) Always include juvenile convictions for sex offenses and serious violent offenses. Include other class A juvenile felonies only if the offender was 15 or older at the time the juvenile offense was committed. Include other class B and C juvenile felony convictions only if the offender was 15 or older at the time the juvenile offense was committed and the offender was less than 23 at the time the offense for which he or she is being sentenced was committed.

(5) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(6)(a) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(i) Prior adult offenses which were found, under RCW 9.94A.400(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which

sentences were served concurrently whether those offenses shall be counted as one offense or as separate offenses using the "same criminal conduct" analysis found in RCW 9.94A.400(1)(a), and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used. The current sentencing court may presume that such other prior adult offenses were not the same criminal conduct from sentences imposed on separate dates, or in separate counties or jurisdictions, or in separate complaints, indictments, or informations;

(ii) Juvenile prior convictions entered or sentenced on the same date shall count as one offense, the offense that yields the highest offender score, except for juvenile prior convictions for violent offenses with separate victims, which shall count as separate offenses; and

(iii) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(b) As used in this subsection (6) , "served concurrently" means that: (i) The latter sentence was imposed with specific reference to the former; (ii) the concurrent relationship of the sentences was judicially imposed; and (iii) the concurrent timing of the sentences was not the result of a probation or parole revocation on the former offense.

(7) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense.

(8) If the present conviction is for a nonviolent offense and not covered by subsection (12) or (13) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(9) If the present conviction is for a violent offense and not covered in subsection (10), (11), (12), or (13) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Murder 1 or 2, Assault 1, Assault of a Child 1, Kidnapping 1, Homicide by Abuse, or Rape 1, count three points for prior adult and juvenile convictions for crimes in these categories, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(11) If the present conviction is for Burglary 1, count prior convictions as in subsection (9) of this section; however count two points for each prior adult Burglary 2 or residential burglary conviction, and one point for each prior juvenile Burglary 2 or residential burglary conviction.

(12) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense or serious traffic offense, count one point for each adult and 1/2 point for each juvenile prior conviction.

(13) If the present conviction is for a drug offense count three points for each adult prior felony drug offense conviction and two points for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (9) of this section if the current drug offense is violent, or as in subsection (8) of this section if the current drug offense is nonviolent.

(14) If the present conviction is for Willful Failure to Return from Furlough, RCW 72.66.060, Willful Failure to Return from Work Release, RCW 72.65.070, or Escape from Community Custody, RCW 72.09.310, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

(15) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as 1/2 point.

(16) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection (8) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 or residential burglary conviction, and one point for each juvenile prior Burglary 2 or residential burglary conviction.

(17) If the present conviction is for a sex offense, count priors as in subsections (8) through (16) of this section; however count three points for each adult and juvenile prior sex offense conviction.

(18) If the present conviction is for an offense committed while the offender was under community placement, add one point. [1995 c 316 ' 1; 1995 c 101 ' 1. Prior: 1992 c 145 ' 10; 1992 c 75 ' 4; 1990 c 3 ' 706; 1989 c 271 ' 103; prior: 1988 c 157 ' 3; 1988 c 153 ' 12; 1987 c 456 ' 4; 1986 c 257 ' 25; 1984 c 209 ' 19; 1983 c 115 ' 7.]

(4) CONSECUTIVE / CONCURRENT SENTENCES

RCW 9.94A.400 Consecutive or concurrent sentences. (1)(a) Except as provided in (b) of this subsection, whenever a person is to be sentenced for two or more current offenses, the sentence range for each current offense shall be determined by using all other current and prior convictions as if they were prior convictions for the purpose of the offender score: PROVIDED, That if the court enters a finding that some or all of the current offenses encompass the same criminal conduct then those current offenses shall be counted as one crime. Sentences imposed under this subsection shall be served concurrently. Consecutive sentences may only be imposed under the exceptional sentence provisions of RCW 9.94A.120 and *9.94A.390(2)(f) or any other provision of RCW 9.94A.390. "Same criminal conduct," as used in this subsection, means two or more crimes that require the same criminal intent, are committed at the same time and place, and involve the same victim. This definition applies in cases involving vehicular assault or vehicular homicide even if the victims occupied the same vehicle.

(b) Whenever a person is convicted of two or more serious violent offenses, as defined in RCW 9.94A.030, arising from separate and distinct criminal conduct, the sentence range for the offense with the highest seriousness level under RCW 9.94A.320 shall be determined using the offender's prior convictions and other current convictions that are not serious violent offenses in the offender score and the sentence range for other serious violent offenses shall be determined by using an offender score of zero. The sentence range for any offenses that are not serious violent offenses shall be determined according to (a) of this subsection. All sentences imposed under (b) of this subsection shall be served consecutively to each other and concurrently with sentences imposed under (a) of this subsection.

(2)(a) Except as provided in (b) of this subsection, whenever a person while under sentence of felony commits another felony and is sentenced to another term of confinement, the latter term shall not begin until expiration of all prior terms.

(b) Whenever a second or later felony conviction results in community supervision with conditions not currently in effect, under the prior sentence or sentences of community supervision the court may require that the conditions of community supervision contained in the second or later sentence begin during the immediate term of community supervision and continue throughout the duration of the consecutive term of community supervision.

(3) Subject to subsections (1) and (2) of this section, whenever a person is sentenced for a felony that was committed while the person was not under sentence of a felony, the sentence shall run concurrently with any felony sentence which has been imposed by any court in this or another state or by a federal court subsequent to the commission of the crime being sentenced unless the court pronouncing the current sentence expressly orders that they be served consecutively.

(4) Whenever any person granted probation under RCW 9.95.210 or 9.92.060, or both, has the probationary sentence revoked and a prison sentence imposed, that sentence shall run consecutively to any sentence imposed pursuant to this chapter, unless the court pronouncing the subsequent sentence expressly orders that they be served concurrently.

(5) However, in the case of consecutive sentences, all periods of total confinement shall be served before any partial confinement, community service, community supervision, or any other

requirement or conditions of any of the sentences. Except for exceptional sentences as authorized under RCW 9.94A.120(2), if two or more sentences that run consecutively include periods of community supervision, the aggregate of the community supervision period shall not exceed twenty-four months. [1996 c 199 ' 3; 1995 c 167 ' 2; 1990 c 3 ' 704. Prior: 1988 c 157 ' 5; 1988 c 143 ' 24; 1987 c 456 ' 5; 1986 c 257 ' 28; 1984 c 209 ' 25; 1983 c 115 ' 11.]

(5) PLEA NEGOTIATIONS AND AGREEMENTS

RCW 9.94A.080 Plea agreements--Discussions--Contents of agreements. The prosecutor and the attorney for the defendant, or the defendant when acting pro se, may engage in discussions with a view toward reaching an agreement that, upon the entering of a plea to a charged offense or to a lesser or related offense, the prosecutor will do any of the following:

- (1) Move for dismissal of other charges or counts;
- (2) Recommend a particular sentence within the sentence range applicable to the offense or offenses to which the offender pled guilty;
- (3) Recommend a particular sentence outside of the sentence range;
- (4) Agree to file a particular charge or count;
- (5) Agree not to file other charges or counts; or
- (6) Make any other promise to the defendant, except that in no instance may the prosecutor agree not to allege prior convictions.

In a case involving a crime against persons as defined in RCW 9.94A.440, the prosecutor shall make reasonable efforts to inform the victim of the violent offense of the nature of and reasons for the plea agreement, including all offenses the prosecutor has agreed not to file, and ascertain any objections or comments the victim has to the plea agreement.

The court shall not participate in any discussions under this section. [1995 c 288 ' 1; 1981 c 137 ' 8.]

RCW 9.94A.090 Plea agreements--Information to court--Approval or disapproval--Sentencing judge not bound. (1) If a plea agreement has been reached by the prosecutor and the defendant pursuant to RCW 9.94A.080, they shall at the time of the defendant's plea state to the court, on the record, the nature of the agreement and the reasons for the agreement. The prosecutor shall inform the court on the record whether the victim or victims of all crimes against persons, as defined in RCW 9.94A.440, covered by the plea agreement have expressed any objections to or comments on the nature of and reasons for the plea agreement. The court, at the time of the plea, shall determine if the agreement is consistent with the interests of justice and with the prosecuting standards. If the court determines it is not consistent with the interests of justice and with the prosecuting standards, the court shall, on the record, inform the defendant and the prosecutor that they are not bound by the agreement and that the defendant may withdraw the defendant's plea of guilty, if one has been made, and enter a plea of not guilty.

(2) The sentencing judge is not bound by any recommendations contained in an allowed plea agreement and the defendant shall be so informed at the time of plea. [1995 c 288 ' 2; 1984 c 209 ' 4; 1981 c 137 ' 9.]

RCW 9.94A.100 Plea agreements--Criminal history. The prosecuting attorney and the defendant shall each provide the court with their understanding of what the defendant's criminal history is prior to a plea of guilty pursuant to a plea agreement. All disputed issues as to criminal history shall be decided at the sentencing hearing. [1981 c 137 ' 10.]

(6) RECOMMENDED PROSECUTING STANDARDS

RCW 9.94A.430 Introduction. These standards are intended solely for the guidance of prosecutors in the state of Washington. They are not intended to, do not and may not be relied upon to create a right or benefit, substantive or procedural, enforceable at law by a party in litigation with the state. [1983 c 115 ' 14.]

RCW 9.94A.440 Evidentiary sufficiency. (1) Decision not to prosecute.

STANDARD: A prosecuting attorney may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

GUIDELINE/COMMENTARY:

Examples

The following are examples of reasons not to prosecute which could satisfy the standard.

(a) Contrary to Legislative Intent - It may be proper to decline to charge where the application of criminal sanctions would be clearly contrary to the intent of the legislature in enacting the particular statute.

(b) Antiquated Statute - It may be proper to decline to charge where the statute in question is antiquated in that:

- (i) It has not been enforced for many years; and
- (ii) Most members of society act as if it were no longer in existence; and
- (iii) It serves no deterrent or protective purpose in today's society; and
- (iv) The statute has not been recently reconsidered by the legislature.

This reason is not to be construed as the basis for declining cases because the law in question is unpopular or because it is difficult to enforce.

(c) De Minimus Violation - It may be proper to decline to charge where the violation of law is only technical or insubstantial and where no public interest or deterrent purpose would be served by prosecution.

(d) Confinement on Other Charges - It may be proper to decline to charge because the accused has been sentenced on another charge to a lengthy period of confinement; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;
(ii) The new offense is either a misdemeanor or a felony which is not particularly aggravated;
and

(iii) Conviction of the new offense would not serve any significant deterrent purpose.

(e) Pending Conviction on Another Charge - It may be proper to decline to charge because the accused is facing a pending prosecution in the same or another county; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;
(ii) Conviction in the pending prosecution is imminent;
(iii) The new offense is either a misdemeanor or a felony which is not particularly aggravated;
and

(iv) Conviction of the new offense would not serve any significant deterrent purpose.

(f) High Disproportionate Cost of Prosecution - It may be proper to decline to charge where the cost of locating or transporting, or the burden on, prosecution witnesses is highly disproportionate to the importance of prosecuting the offense in question. This reason should be limited to minor cases and should not be relied upon in serious cases.

(g) Improper Motives of Complainant - It may be proper to decline charges because the motives of the complainant are improper and prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

(h) Immunity - It may be proper to decline to charge where immunity is to be given to an accused in order to prosecute another where the accused's information or testimony will reasonably lead to the conviction of others who are responsible for more serious criminal conduct or who represent a greater danger to the public interest.

(i) Victim Request - It may be proper to decline to charge because the victim requests that no criminal charges be filed and the case involves the following crimes or situations:

- (i) Assault cases where the victim has suffered little or no injury;
- (ii) Crimes against property, not involving violence, where no major loss was suffered;
- (iii) Where doing so would not jeopardize the safety of society.

Care should be taken to insure that the victim's request is freely made and is not the product of threats or pressure by the accused.

The presence of these factors may also justify the decision to dismiss a prosecution which has been commenced.

Notification

The prosecutor is encouraged to notify the victim, when practical, and the law enforcement personnel, of the decision not to prosecute.

(2) Decision to prosecute.

STANDARD:

Crimes against persons will be filed if sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify conviction by a reasonable and objective fact-finder. With regard to offenses prohibited by RCW 9A.44.040, 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, 9A.44.089, and 9A.64.020 the prosecutor should avoid prefilng agreements or diversions intended to place the accused in a program of treatment or counseling, so that treatment, if determined to be beneficial, can be provided pursuant to RCW 9.94A.120(8).

Crimes against property/other crimes will be filed if the admissible evidence is of such convincing force as to make it probable that a reasonable and objective fact-finder would convict after hearing all the admissible evidence and the most plausible defense that could be raised.

See table below for the crimes within these categories.

[table not reproduced in this report]

Selection of Charges/Degree of Charge

(1) The prosecutor should file charges which adequately describe the nature of defendant's conduct. Other offenses may be charged only if they are necessary to ensure that the charges:

- (a) Will significantly enhance the strength of the state's case at trial; or
- (b) Will result in restitution to all victims.

(2) The prosecutor should not overcharge to obtain a guilty plea. Overcharging includes:

- (a) Charging a higher degree;
- (b) Charging additional counts.

This standard is intended to direct prosecutors to charge those crimes which demonstrate the nature and seriousness of a defendant's criminal conduct, but to decline to charge crimes which are not necessary to such an indication. Crimes which do not merge as a matter of law, but which arise from the same course of conduct, do not all have to be charged.

GUIDELINES/COMMENTARY:

Police Investigation

A prosecuting attorney is dependent upon law enforcement agencies to conduct the necessary factual investigation which must precede the decision to prosecute. The prosecuting attorney shall ensure that a thorough factual investigation has been conducted before a decision to prosecute is made. In ordinary circumstances the investigation should include the following:

- (1) The interviewing of all material witnesses, together with the obtaining of written statements whenever possible;
- (2) The completion of necessary laboratory tests; and
- (3) The obtaining, in accordance with constitutional requirements, of the suspect's version of the events.

If the initial investigation is incomplete, a prosecuting attorney should insist upon further investigation before a decision to prosecute is made, and specify what the investigation needs to include.

Exceptions

In certain situations, a prosecuting attorney may authorize filing of a criminal complaint before the investigation is complete if:

- (1) Probable cause exists to believe the suspect is guilty; and
- (2) The suspect presents a danger to the community or is likely to flee if not apprehended; or
- (3) The arrest of the suspect is necessary to complete the investigation of the crime.

In the event that the exception to the standard is applied, the prosecuting attorney shall obtain a commitment from the law enforcement agency involved to complete the investigation in a timely manner. If the subsequent investigation does not produce sufficient evidence to meet the normal charging standard, the complaint should be dismissed.

Investigation Techniques

The prosecutor should be fully advised of the investigatory techniques that were used in the case investigation including:

- (1) Polygraph testing;
- (2) Hypnosis;
- (3) Electronic surveillance;
- (4) Use of informants.

Pre-Filing Discussions with Defendant

Discussions with the defendant or his/her representative regarding the selection or disposition of charges may occur prior to the filing of charges, and potential agreements can be reached.

Pre-Filing Discussions with Victim(s)

Discussions with the victim(s) or victims' representatives regarding the selection or disposition of charges may occur before the filing of charges. The discussions may be considered by the prosecutor in charging and disposition decisions, and should be considered before reaching any agreement with the defendant regarding these decisions. [1996 c 93 ' 2; 1995 c 288 ' 3. Prior: 1992 c 145 ' 11; 1992 c 75 ' 5; 1989 c 332 ' 2; 1988 c 145 ' 13; 1986 c 257 ' 30; 1983 c 115 ' 15.]

RCW 9.94A.450 Plea dispositions. STANDARD: (1) Except as provided in subsection (2) of this section, a defendant will normally be expected to plead guilty to the charge or charges which adequately describe the nature of his or her criminal conduct or go to trial.

(2) In certain circumstances, a plea agreement with a defendant in exchange for a plea of guilty to a charge or charges that may not fully describe the nature of his or her criminal conduct may be necessary and in the public interest. Such situations may include the following:

- (a) Evidentiary problems which make conviction on the original charges doubtful;
- (b) The defendant's willingness to cooperate in the investigation or prosecution of others whose criminal conduct is more serious or represents a greater public threat;
- (c) A request by the victim when it is not the result of pressure from the defendant;
- (d) The discovery of facts which mitigate the seriousness of the defendant's conduct;
- (e) The correction of errors in the initial charging decision;
- (f) The defendant's history with respect to criminal activity;
- (g) The nature and seriousness of the offense or offenses charged;
- (h) The probable effect on witnesses. [1983 c 115 ' 16.]

RCW 9.94A.460 Sentence recommendations. STANDARD:

The prosecutor may reach an agreement regarding sentence recommendations.

The prosecutor shall not agree to withhold relevant information from the court concerning the plea agreement. [1983 c 115 ' 17.]

APPENDIX D: ALTERNATIVE STANDARD RANGE SENTENCES

- First-time Offender Waiver (FTOW)

Offenders convicted of a felony that is not a violent or sex offense or a sale of certain drugs, and who have no prior felony convictions, can receive an individualized sentence under the First-Time Offender Waiver. Such a sentence may include up to 90 days in jail, and up to two years of community supervision, subject to conditions such as treatment, education, holding a job, performing community service work, staying within prescribed geographical boundaries, paying restitution and other financial obligations, and reporting as directed to the court and a community corrections officer.³⁰ About 13.8 percent of all felony sentences, and 1.6 percent of sentences included in this report, are imposed under the First-time Offender Waiver.

- Special Sex Offender Sentencing Alternative (SSOSA)

Certain first-time sex offenders, not convicted of rape 1 or 2, can receive a SSOSA sentence if the court finds that they can be treated in a community setting. The court must consider the victim's opinion whether the offender should receive this sentence. A SSOSA sentence is a standard-range sentence to jail or prison, suspended on condition that the offender receive inpatient or outpatient treatment and meet other requirements. Up to six months in jail may be required.³¹ SSOSA sentences account for about 1.4 percent of all felony sentences and 7.8 percent of sentences included in this report.

³⁰ See RCW 9.94A.120(5).

³¹ See RCW 9.94A.120(8).

APPENDIX E: MANDATORY STANDARD RANGE SENTENCES

- Aggravated First Degree Murder

Defendants convicted of this offense are sentenced either to death or to life imprisonment, based on the decision of a jury.³² These account for less than one tenth of one percent of all felony sentences, and 0.5 percent of the sentences in this report.

- Persistent Offender (“Three Strikes You’re Out”)

Certain offenders convicted of “most serious offenses,”³³ who have previously been convicted of “most serious offenses” on two separate occasions, are sentenced to life imprisonment.³⁴ If the “most serious offenses” are specified sex offenses, the life sentence is imposed on the second separate conviction.³⁵ About two tenths of one percent of all felony sentences, and 1.1percent of those included in this report, are life sentences based on persistent offender status.

³² See chapter 10.95 RCW and RCW 9.94A.310(1).

³³ These offenses, also known as “strikes,” are defined in RCW 9.94A.030(23).

³⁴ RCW 9.94A.030(27) and .120(4).

³⁵ RCW 9.94A.030(27) as amended by chapter 289, Laws of 1996. This “Two Strikes You’re Out” provision took effect for crimes committed on and after June 6, 1996.

APPENDIX F: INTERPRETATION ISSUES IN INITIATIVE 159

Initiative 159 was drafted by citizens and approved by the Legislature without amendment in 1995. It became law without either going through the amendatory process in the Legislature or appearing on the general election ballot.

The new law increases the sentence enhancement³⁶ required when an offender is found to have been armed with a deadly weapon at the time of the offense. The enhancement varies according to whether the offense is a class A, class B, or class C felony; whether such an enhancement was imposed after a previous conviction; and whether the weapon was a firearm or another deadly weapon. The enhancement is to be served consecutively to the base sentence,³⁷ and cannot be reduced by earned early release time.³⁸

Often, provisions of new laws that seem clear when adopted turn out to be ambiguous when applied to the facts in real cases. This appendix identifies several issues of interpretation that have come to the Commission's attention since I-159 took effect. Some of these issues have arisen in sentences for multiple offenses, and involve the difference between concurrent and consecutive sentences. Others involve the relationship between sentence enhancements for weapon use and the statutory maximum sentence for the underlying offense.

Because Superior Court judges have reached different conclusions about the meaning of particular provisions of I-159, the Commission is reporting sentences involving these issues in the categories where the sentencing judges intended them to fall. For example, if a judge intended a particular sentence to be within the standard range, it is included among the standard-range sentences in this report, even though another judge might have imposed a different sentence based on a different legal interpretation, resulting in a different calculation of the standard range.

The Commission has not expressed an opinion on any of these issues, but believes they should be resolved, either by the Legislature or through the judicial appeal process, as soon as practicable. The issues described in (1) below have been raised in recent appeals of sentences to Divisions I and II of the Court of Appeals.

³⁶ An enhancement is time added to a sentence because of a specified factor in the commission of the offense. These factors include being armed with a deadly weapon, selling drugs in a school zone, and selling drugs in a correctional facility. See RCW 9.94A.310(3),(4),(5), and (6).

³⁷ In this discussion, "base sentence" means the sentence determined under the SRA without the deadly weapon enhancement.

³⁸ See chapter 129, Laws of 1995 (Initiative 159).

(1) Deadly weapon enhancements: concurrent vs. consecutive sentencing

Initiative 159 provides that firearm and other deadly weapon enhancements “shall not run concurrently with any other sentencing provisions.”³⁹ When the conviction is for a single offense, this provision is easy to interpret. The enhancement is added to the base sentence that would otherwise be imposed. But when the conviction is for two or more offenses, which are sentenced concurrently,⁴⁰ questions of interpretation may arise:

(A) Multiple enhancements: Two or more offenses each carry deadly weapon enhancements. The offenses are sentenced concurrently. Are the enhancements consecutive to each other, or are they consecutive to the base sentence but concurrent to each other?

(B) Enhancements applied to less serious offenses: Two or more offenses are sentenced concurrently, but a deadly weapon enhancement does not apply to the most serious of them, which is the basis for the total sentence. Is the enhancement added to the total sentence, or to the base sentence for the offense to which it applies?

(2) Effect of statutory maximum sentence

The statutory maximum sentence for an offense acts as a limit on the sentence, including enhancements, that may be imposed. How does this limit apply if enhancements are sentenced consecutively on concurrent base sentences?

(3) Firearm and other offenses: concurrent vs. consecutive sentencing

Initiative 159 provides that specified offenses involving firearms, including theft of a firearm, possession of a stolen firearm, and first- or second-degree unlawful possession of a firearm, may be charged and sentenced separately, with the sentences running consecutively, even though they involve the same firearm.⁴¹ However, the Sentencing Reform Act generally allows consecutive sentencing only for “serious violent offenses,” which do not include those listed above.⁴² When an offender is convicted of one of the specified firearm offenses and another offense not subject to consecutive sentencing, are the two sentences consecutive or concurrent?

³⁹ RCW 9.94A.310(3)(e) and (4)(e).

⁴⁰ Except for serious violent offenses, the SRA provides for concurrent sentencing of multiple counts. This is done by calculating the offender score for each offense as if the other current offenses were prior convictions, then ordering the sentence for each offense to run concurrently with the others. The total term of confinement is based on the sentence for the offense with the longest term based on this calculation, usually the most serious of the offenses. See RCW 9.94A.400(1)(a).

⁴¹ See RCW 9.41.040(6). There is no reference to this provision in chapter 9.94A RCW, the Sentencing Reform Act.

⁴² See RCW 9.94A.400(1)(b). “Serious violent offenses” are defined in RCW 9.94A.030(31). Consecutive sentences may be imposed for other offenses when there are “substantial and compelling reasons,” subject to appeal; see RCW 9.94A.120(2) and .400(1)(a).

(4) Effect of statutory maximum on earned early release

Most felony sentences are eligible for reduction based on the offender's good behavior and program participation in the correctional system. This earned early release (EER) is limited to either one third or 15 percent of the sentence, depending on the offense.⁴³ However, I-159 provides that the portion of sentences resulting from firearm or other deadly weapon enhancements shall not be subject to earned early release.⁴⁴ The sentence, including enhancements, may not exceed the statutory maximum term established for the offense.⁴⁵

When a sentence includes an enhancement, and the total exceeds the statutory maximum, the total sentence is limited to the maximum. But how is EER calculated? The portion of the sentence eligible for EER depends on whether the statutory maximum reduces the base sentence or the enhancement.

If the maximum reduces the base sentence, which is eligible for EER, a sentence totaling the maximum will allow the offender to earn less release time than if the maximum reduces the enhancement. If the maximum reduces the enhancement, which is not eligible for EER, then the defendant would be expected to seek a longer base sentence and the prosecutor would be expected to seek a shorter one.

⁴³ See RCW 9.94A.150(1). RCW 72.09.130 authorizes the Department of Corrections to administer a system of earned early release credit for good conduct and good performance.

⁴⁴ RCW 9.94A.150(1).

⁴⁵ RCW 9.94A.120(12).

APPENDIX G: GLOSSARY OF CRIMINAL JUSTICE AND SENTENCING TERMS

Aggravated murder: First degree murder where one or more specified aggravating circumstances existed (see RCW 10.95.020). A defendant convicted of aggravated first degree murder is punished by death or life imprisonment, as determined by the jury after a special sentencing proceeding (see chapter 10.95 RCW).

Charge: An offense that the defendant is alleged to have committed. The sentence is based on the charge of which the defendant is convicted. This may be a different charge from that originally filed by the prosecutor.

Concurrent sentences: Sentences for separate offenses that run at the same time. Most SRA sentences for multiple offenses are concurrent, but longer than they would be for a single offense (see RCW 9.94A.400).

Consecutive sentences: Sentences for separate offenses that run consecutively to one another, extending the total length of imprisonment. These are imposed for specified serious violent offenses (see RCW 9.94A.030(31) and 9.94A.400).

Conviction: A determination by a court or jury that a defendant has been proven, beyond a reasonable doubt, to be guilty of a particular crime. Conviction may be based on a plea of guilty, or on a verdict of a jury or judge after trial.

Court: A person or body of persons authorized by law to hear and decide civil or criminal cases. In Washington, the Superior Courts hear and decide felony and misdemeanor cases, District Courts hear and decide misdemeanors, the Court of Appeals and Supreme Court hear and decide appeals from these and other trial-level courts.

Crime: Conduct which violates a specific state law prohibiting such conduct and designating it as a felony, gross misdemeanor, or misdemeanor. Same meaning as “offense.”

Deadly weapon: An implement or instrument that has the capacity to inflict death and, from the manner in which it is used, may easily and readily produce death. Includes firearms and other weapons listed in RCW 9.94A.125.

Defendant: A person formally charged in court with having committed one or more crimes.

Determinate sentence: A sentence of fixed duration and/or specified conditions, determined by the court according to standards set forth in law.

Enhancement: A period of confinement added to a sentence because of particular circumstances of the crime. Sentences may be enhanced because the offender was armed with a firearm or other deadly weapon, sold illegal drugs within a specified distance of a school or other protected area, or sold illegal drugs in a jail or prison.

Exceptional sentence: A sentence to confinement for a longer or shorter period than the standard range, or with conditions not otherwise permitted to be imposed, based on substantial and compelling reasons stated in writing by the judge. Either the prosecutor or the defendant may appeal an exceptional sentence.

Felony (Classes A, B, C): A felony is a crime whose statutory maximum sentence exceeds one year. The statutory maximum sentence for a class A felony is life imprisonment, for a class B felony is 10 years, for a class C felony is 5 years. Certain felonies are classified according to the sentence prescribed by law, rather than having their maximum sentence determined by their classification. The statutory maximum sentence for felonies usually exceeds the standard range.

File: To submit a document, such as a felony Judgment and Sentence, to the clerk of a court for maintenance in a permanent record.

Firearm: A weapon or device from which a projectile may be fired by an explosive such as gunpowder (RCW 9.41.010).

First Time Offender Waiver (FTOW): An alternative standard-range sentence for certain nonviolent first-time offenders, that may include up to 90 days in jail and conditions determined by the judge (see RCW 9.94A.120(5)).

Gross misdemeanor: An offense whose statutory maximum sentence does not exceed one year in jail. See also "misdemeanor." The Sentencing Reform Act does not apply to gross misdemeanors.

Jail: A county or city facility housing defendants awaiting trial or convicted and sentenced to not more than one year.

Judge: A non-partisan elected official authorized to hear and decide cases in the legal system. Superior Court judges are state officials elected at the county level for four-year terms.

Misdemeanor: An offense whose statutory maximum sentence does not exceed 90 days in jail. See also "gross misdemeanor." The Sentencing Reform Act does not apply to misdemeanors.

Most serious offense: One of a category of felonies for which the sentence is life imprisonment after three separate convictions; a "strike" under the Persistent Offender Accountability Act (see RCW 9.94A.030(23)). Certain sex offenses result in a life sentence after the second "strike."

Offender score: In calculating the standard range for a determinate sentence, the factor based on the offender's criminal history. The offender score consists of previous or accompanying felony convictions. Certain convictions are scored at two or three points. See RCW 9.94A.360.

Offense: Conduct which violates a specific state law prohibiting such conduct and designating it as a felony, gross misdemeanor, or misdemeanor. Same meaning as "crime."

Persistent offender: An offender who has been convicted on three separate occasions of "most serious offenses" ("strikes"), or on two separate occasions of specified sex offenses. A persistent offender is sentenced to life imprisonment (see RCW 9.94A.030(27) and .120(4)).

Plea agreement (plea bargain): An agreement between a prosecuting attorney and a defendant, in which the defendant agrees to plead guilty to a specified charge or charges in return for the prosecutor's promise to drop other charges, not file other charges, or make specified sentence recommendations. A plea agreement is subject to the judge's approval, but the judge may not take part in negotiations and is not bound by the agreement.

Prison: A state facility housing defendants who have been convicted and sentenced to more than one year's confinement.

Prosecuting attorney: A partisan elected county official responsible for filing and prosecuting criminal charges and performing other legal duties.

Sentence: An order of a court requiring specified punishment of an offender after conviction of one or more crimes. A sentence may include a fine, imprisonment, restitution, supervision under specified conditions, and other terms. Often "sentence" is used to mean the length of permissible imprisonment.

Sentencing Guidelines Commission: A state agency consisting of 20 voting members appointed by the Governor and four legislators appointed by the presiding officers of the two houses of the Legislature. The Commission maintains adult and juvenile felony sentencing information, evaluates and recommends changes in sentencing and other laws involving adult and juvenile criminal justice, and publishes this and other reports. See RCW 9.94A.040-060.

Sentencing Reform Act: The Washington statute establishing a system of determinate sentencing for felonies. The SRA (chapter 9.94A RCW) was first enacted in 1981 and applies to felonies committed on and after July 1, 1984. It has been amended frequently since enactment.

Serious violent offense: One of the offenses listed in RCW 9.94A.030(31), for which the sentence is consecutive to that for any other offense for which the defendant is being sentenced at the same time.

Seriousness level: One of 15 levels of seriousness for felonies, listed in RCW 9.94A.320. The seriousness level, together with the offender score, determine the standard-range sentence under RCW 9.94A.310. Not the same as felony class.

Sexual motivation: A factor in the commission of an offense that makes it a sex offense and/or justifies an aggravated exceptional sentence. See RCW 9.94A.030(34), RCW 9.94A.127.

Special Sexual Offender Sentencing Alternative (SSOSA): An alternative sentence given some sex offenders, in which the standard range is suspended, conditioned on jail time and inpatient or outpatient treatment. See RCW 9.94A.120(8).

Standard range: The number of months' confinement to which a judge has discretion to sentence a felony offender, in the absence of aggravating or mitigating circumstances. The standard range is determined by combining the seriousness of the offense with the offender's criminal history on the sentencing grid (see RCW 9.94A.310). A sentence within the standard range may not be appealed.

Trial: In criminal cases, a proceeding where a judge or jury hears evidence and determines whether the defendant is guilty or not guilty of a specified crime or crimes. The state is required to prove beyond a reasonable doubt that the defendant is guilty.

Violent offense One of the offenses listed in RCW 9.94A.030(38).